

THIRD DIVISION

[G.R. No. 238059, June 08, 2020]

TERESITA M. CAMSOL, PETITIONER, VS. CIVIL SERVICE COMMISSION, RESPONDENT.

D E C I S I O N

ZALAMEDA, J.:

The Case

This petition^[1] assails the 13 February 2018 Decision^[2] promulgated by the Court of Appeals (CA) in CA-G.R. SP No. 149825, which affirmed in toto the 04 October 2016 Decision^[3] of the Civil Service Commission (CSC), finding Teresita M. Camsol (petitioner) guilty of Grave Misconduct, Serious Dishonesty, and Conduct Prejudicial to the Best Interest of the Service.

Antecedents

The facts of this case, as found by the CSC, are not in dispute:

Petitioner is a Forest technician II at the Department of Environment and Natural Resources (DENR),-Community Environment Natural Resources Office (CENRO) Buguias,.Abatan, Buguias, Benguet.^[4]

Records show that Camsol (petitioner) requested from the CSC-Cordillera Administrative Region (CSC-CAR) the authentication of her Career Service Professional Eligibility. Thus, she indicated in the Eligibility/Exam Records Request Form (ERRF) that she passed the Career Service Professional Examination (Computer-Assisted Test/CAT) on September 16, 2002 in Baguio City with a rating of 82.10.

It appears, however, from the Master List of Eligibles on file with the CSC-CAR that no Career Service Professional Examination, either Paper or Pencil Test (PPT) or CAT, was conducted on September 16, 2002 in Baguio City. Instead, it was discovered that Camsol took and failed the Career Service Professional Examination (CSPE) conducted on May 2, 2002 and October 17, 2002, where she obtained ratings of both 48.08 on both occasions.

Meanwhile, Camsol attributed the issuance of her alleged spurious Certificate of Eligibility (COE) from a certain Allan, who 'sweet talked' her into believing that the said COE was legitimate/authentic. That she personally received said COE from Allan, after she gave him one hundred pesos (P100.00). Allan allegedly asked for more money but she refused.

^[5]

Finding a *prima facie* case, petitioner was formally charged with Grave Misconduct, Serious Dishonesty, and Conduct Prejudicial to the Best Interest of the Service.^[6] She denied the charges in her Answer.^[7]

In its 05 February 2016 Decision,^[8] the CSC-Cordillera Administrative Region (CSC-CAR) found petitioner guilty of Grave Misconduct, Serious Dishonesty, and Conduct Prejudicial to the Best Interest of the Service. Petitioner moved for reconsideration, but was denied.^[9] Feeling aggrieved, petitioner appealed to the CSC.

Ruling of the CSC

On 04 October 2016, the CSC dismissed the petition for review filed by the petitioner, as it affirmed the CSC-CAR's findings. The dispositive portion of the CSC ruling stated:

WHEREFORE, the Petition for Review of Teresita M. Camsol, Forest Technician II, Department of Environment and Natural Resources (DENR), Community Environment Natural Resources Office (CENRO) Buguias, Abatan, Buguias, Benguet, is hereby **DISMISSED**. Accordingly, Decision No. 16-0012 dated February 5, 2016 issued by the Civil Service Commission-Cordillera Administrative Region (CSC-CAR), Baguio City, which found her guilty of Grave Misconduct, Serious Dishonesty, and Conduct Prejudicial to the Best Interest of the Service, and imposed upon her the penalty of dismissal from the service with all its accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, except terminal/accrued leave benefits and personal contributions to the GSIS, if any, perpetual disqualification from holding public office, and bar from taking any civil service examinations and Resolution No. 16-00010 dated March 14, 2016, which denied her subsequent Motion for Reconsideration, are **AFFIRMED**.

Copies of this Decision shall be furnished the Commission on Audit-DENR and the Government Service Insurance System (GSIS), for their reference and appropriate action.^[10]

The CSC agreed that petitioner's possession of a spurious/fake Certificate of Eligibility (COE) sufficed to hold petitioner liable for Grave Misconduct, Serious Dishonesty, and Conduct Prejudicial to the Best Interest of the Service. Petitioner's possession of a fake eligibility, in exchange for a fee, constituted violation or transgression of some rule and manifested corrupt behavior, making her liable for Grave Misconduct. The CSC likewise found petitioner liable for Serious Dishonesty as her act of securing the same for a fee tarnished the integrity, not only of the Commission, but the entire bureaucracy. Further, said act was prejudicial to the interest of the public service.^[11]

Petitioner sought reconsideration, which was denied in the 07 February 2017 Resolution^[12] of the CSC. Hence, petitioner appealed to the CA.

Ruling of the CA

The CA denied the petition and affirmed in *toto* the CSC's decision.

The CA held that petitioner's procurement of the spurious COE, by itself, constituted Grave Misconduct and Serious Dishonesty.^[13] It emphasized that under Resolution No. 060538,^[14] a dishonest act involving a Civil Service examination or fake Civil Service eligibility, such as, but not limited to impersonation, cheating, and use of crib sheets, is serious dishonesty.^[15] It added that seriously dishonest acts involving spurious civil service eligibility likewise result in grave misconduct and conduct prejudicial to the service.^[16]

The offenses of petitioner being grave, the CA sustained the extreme penalties imposed against her, without considering any mitigating circumstance such as petitioner's previous clean record, noting that a government employee found guilty of a grave offense may be dismissed even for the first infraction. For the same reason, the CA likewise stressed that petitioner's length of service was of no moment, as the seriousness of her offenses has eclipsed the effect of said circumstance.^[17]

Hence, this petition.^[18]

Issue

The sole issue in this case is whether the CA erred in holding that petitioner is guilty of Grave Misconduct, Serious Dishonesty and Conduct Prejudicial to the Service, and imposing the penalty of dismissal, without considering any mitigating circumstance in petitioner's favor.

Ruling of the Court

The petition is partially meritorious.

Petitioner now claims that the CA erred in finding her guilty of the aforesaid offenses for her mere act of presenting a fake civil service eligibility to the CSC for validation. Petitioner is adamant that she did not seek the intervention of a certain Allan to procure the same as she had nothing evil in mind to misrepresent, falsify, or use the COE which turned out to be spurious.^[19] In fact, she neither used it for her benefit nor in any transaction.^[20] When she went to the CSC, her intention was really to determine the legitimacy of the COE which, to her, appeared to be genuine as it contained her personal circumstances, signed by the CSC Chairman, and watermarked.^[21]

The same notwithstanding, petitioner is apologetic and begs the indulgence of this Court to extend her some leniency on her transgression. She prays that the penalty of dismissal and the forfeiture of her retirement benefits be mitigated.^[22]

The OSG, on the other hand, concurs with the CA that petitioner's purchase of the eligibility certificate from Allan was patently illegal, and exemplified grave misconduct. Furthermore, petitioner's possession of the forged document, knowing that she did not pass the exams, reflected her want of integrity consistent with serious dishonesty for possessing a fake Civil Service eligibility.^[23]

Nevertheless, the OSG agrees with petitioner that dismissal is too harsh a penalty for the latter's misdeed. In lieu thereof, the OSG recommended the penalty of suspension for one (1) year of service.^[24]

We agree with the OSG.

At the outset, We emphasize that questions of fact may not be raised by *certiorari* under Rule 45 because We are not a trier of facts.^[25] As We explained in *Encinas v. Agustin, et al.*,^[26] findings of fact of administrative bodies, like the CSC, will not be interfered with by the courts in the absence of grave abuse of discretion on the part of the former, or unless the aforementioned findings are not supported by substantial evidence. These factual findings carry even, more weight when affirmed by the CA, in which case, they are accorded not only great respect, but even finality, as We are wont to do in this case.

As adverted to earlier, the facts of the case are not disputed. Petitioner herself admitted procuring the fake civil service eligibility, despite knowing fully well that she never passed the civil service exam. What is worse, she even went to the extent of going to the CSC office to check if the said document could stand the crucible of validation. She is definitely not innocent, as she claims to be, and must be held accountable under the law. As CSC Memorandum Circular No. 15, Series of 1991 provides:

An act which included the procurement and/or use of fake/spurious civil service eligibility, the giving of assistance to ensure the commission or procurement of the same, cheating, collusion, impersonation, or any other anomalous act which amounts to any violation of the Civil Service examination, has been categorized as a grave offense of Dishonesty, Grave Misconduct or Conduct Prejudicial to the Best Interest of the Service.

Grave Misconduct and Serious Dishonesty being grave offenses, the penalty of dismissal may be meted even for the first-time offenders.^[27] However, it is not lost to Us that under Section 48,^[28] Rule 10 of the Revised Rules on Administrative Cases in the Civil Service, mitigating and aggravating circumstances may still be appreciated in the penalty to be imposed, with the disciplining authority having the discretion to consider these circumstances in the interest of substantial justice.

In a *catena* of administrative cases involving grave offenses,^[29] We had indeed exercised the discretion granted by Section 48, and appreciated the existence of mitigating factors, which ultimately led to the imposition of a penalty less harsh than an automatic dismissal. In those cases, factors such as the respondents' length of service, their acknowledgment of infractions and feeling of remorse, family circumstances, humanitarian and equitable considerations, advanced age, among other things, have had varying significance in the Court's determination of the imposable penalty.^[30] For instance, in *Committee on Security-and Safety, Court of Appeals v. Dianco, et. al.*^[31] We imposed the lesser penalty of one (1)-year without pay and demotion instead of dismissal upon Dianco who was found guilty of Serious Dishonesty and Gross Misconduct. We appreciated in his favor the mitigating circumstances of: admission of infractions, commission of the offense for the first time, almost thirty (30) years of service in the Judiciary, and restitution of the

amount involved. He was also afforded humanitarian consideration due to his health condition and age.

Guided by these past judicious pronouncements and the peculiar circumstances We found herein, We find cogent reasons to impose a lower penalty upon petitioner.

Petitioner did not benefit from the spurious certificate of eligibility; neither did she take advantage of the same to be promoted, as her current position does not require a 2nd grade eligibility.^[32] In fact, there was not an instance she indicated in her Personal Data Sheet (PDS) that she passed the same examinations.^[33] Moreover, petitioner has been diligently serving the public for more than three (3) decades, from being a casual laborer to her current position as Forest Technician II.^[34] This was also her first offense, not having been the subject of any complaint, administrative or criminal, since she started working.^[35] She was a loyalty awardee, having rendered 30 years of dedicated service in the government^[36] and was rated Very Satisfactory in her performance rating.^[37] Furthermore, petitioner is now 56 years old and at the threshold of her retirement.^[38] Her dismissal from the service could foreclose her an opportunity to earn income and support her family.^[39]

While We cannot condone or countenance petitioner's offenses, We subscribe to the OSG's apt suggestion to appreciate the foregoing factors to mitigate petitioner's penalty. Indeed, We should not be impervious to petitioner's plea as the duty to sternly wield a corrective hand to discipline errant employees, and to weed out from the roster of civil servants those who are found to be undesirable comes with the sound discretion to temper the harshness of its judgment with mercy.^[40] Accordingly, petitioner is meted the penalty of suspension of one (1) year without pay instead of dismissal.

WHEREFORE, the petition is **PARTIALLY GRANTED**. The Decision promulgated on 13 February 2018 by the Court of Appeals in CA-G.R. SP No. 149825 is **AFFIRMED WITH MODIFICATION** in that the penalty of dismissal from service with accessory penalties imposed upon petitioner Teresita M. Camsol is **REDUCED to ONE (1)-YEAR SUSPENSION** without pay, and with a warning that a repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Leonen, (Chairperson), Gesmundo, Carandang and Delos Santos, JJ., concur.

NOTICE OF JUDGMENT

Sirs / Mesdames:

Please take notice that on **June 8, 2020** a Decision, copy attached hereto, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on February 16, 2021 at 2:20 p.m.