

## **EN BANC**

**[ A.M. No. 16-03-29-MTCC, September 29, 2020 ]**

**IN RE: ALLEGED CIVIL SERVICE EXAMINATIONS IRREGULARITY  
OF MR. VILLAMOR D. BAUTISTA, CASHIER I, AND MS. ERLINDA  
T. BULONG, CLERK IV, OFFICE OF THE CLERK OF COURT, BOTH  
OF THE MUNICIPAL TRIAL COURT IN CITIES, SANTIAGO CITY,  
ISABELA**

**A.M. NO. 17-01-16-MTCC**

**IN RE: ANONYMOUS COMPLAINT AGAINST DOCKET CLERK  
ERLINDA BULONG, OFFICE OF THE CLERK OF COURT, MUNICIPAL  
TRIAL COURT IN CITIES, SANTIAGO CITY, ISABELA**

### **D E C I S I O N**

#### **PER CURIAM:**

Before the Court are two administrative complaints for Grave Misconduct, Dishonesty, and Falsification of Public Documents against two employees of the Office of the Clerk of Court, Municipal Trial Court in Cities (MTCC), Santiago City, Isabela: Villamor D. Bautista (Bautista), Cashier I, and Erlinda Bulong (Bulong), Docket Clerk.

#### **Antecedents**

In a letter<sup>[1]</sup> dated 28 January 2016, the Civil Service Commission (CSC) referred to the Office of the Court Administrator (OCA) the results of its investigation into alleged serious dishonesty committed by Bautista and Bulong.

The charges stem from irregularities in taking the civil service exam. Bautista supposedly took the civil service exam on 19 June 1997 in Quezon City, while Bulong took the exam on 24 May 1998 in Tuguegarao City, Cagayan. However, the CSC found discrepancies when it compared the photos in their Personal Data Sheets (PDS) to their photos in the picture seating plan during their respective exams.

Meanwhile, the OCA received an anonymous complaint<sup>[2]</sup> proffering the same allegations against Bulong.

The OCA directed Bautista and Bulong to comment on the CSCs report.<sup>[3]</sup> In his Comment,<sup>[4]</sup> Bautista denied the charge and maintained that he has been serving the Judiciary faithfully since 1997. On the other hand, Bulong denied the allegation saying that she did not take the civil service exam but instead availed of the "cultural minority eligibility" since she was an *Ybanag*.<sup>[5]</sup>

In a Resolution<sup>[6]</sup> dated 20 March 2017, the Court ordered the complaints to be consolidated and referred to Executive Judge Alexander De Guzman for investigation, report, and recommendation.<sup>[7]</sup>

In his Report,<sup>[8]</sup> Judge De Guzman found Bautista and Bulong administratively liable. First, Judge De Guzman found that there was indeed another person who took the civil service exam in Bulong's name, but she denied knowing that person. She also denied taking the civil service exam, but admitted reflecting the results thereof in her PDS, making it appear that she did take and pass the exam. She claimed that she made a mistake and pleaded for mercy since she did not use the same to apply for a promotion.

Second, Judge De Guzman held that Bautista failed to substantiate his claim that he personally took the exam and submitted his own picture for that purpose. Judge De Guzman found Bautista's explanation for why the picture of another person appears in the picture seat plan to be insubstantial. The investigating judge noted that Bautista cannot deny the identity of the person who took the exam because he himself knew the person to be Romeo Gatcheco, former sheriff of Branch 1, MTCC Santiago City.

### **Findings of the Office of the Court Administrator**

The OCA adopted Judge De Guzman's findings and recommendation.<sup>[9]</sup> The OCA found that while Bulong admitted that she did not take the civil service exam and claimed to not know who actually did take it, she still claimed the result as her own. It was noted that the test result is reflected in Bulong's PDS. The OCA also brushed aside Bulong's claim that the irregularity is part of a plot concocted by her husband's mistress, who supposedly has relatives in the CSC.

As to Bautista, the OCA held that his denials were unsupported by any corroborating testimony. The OCA also rejected Bautista's claim that he did not know the person whose picture appears in the picture seat plan, noting that even Judge De Guzman recognized that person as a former Santiago City MTCC employee; hence, Bautista's former co-worker.<sup>[10]</sup>

The OCA averred that while neither Bautista nor Bulong used the falsified civil service eligibility for promotion, both "enjoyed their respective permanent positions without the requisite eligibility."<sup>[11]</sup>

The OCA recommended that Bautista and Bulong be found guilty of Grave Misconduct, Dishonesty, and Falsification of Public Documents, and dismissed from the service with forfeiture of retirement benefits and disqualification from government employment.<sup>[12]</sup>

Further, the OCA also recommended the forfeiture of Bautista's accrued leave credits from the day of his appointment as Cashier I (09 December 1997) until the present because he was ineligible for the position.

### **Issue**

The lone issue now before the Court is whether Bautista and Bulong are guilty of Grave Misconduct, Dishonesty, and Falsification of Public Documents.

### **Ruling of the Court**

The Court adopts the findings and recommendation of the OCA.

Republic Act No. 9416<sup>[13]</sup> has declared "any form of cheating in civil service examinations" to be **illegal and unlawful**. Specifically, Section 3 (b) defines cheating, to wit:

(b) Cheating — refers to any act or omission before, during or after any civil service examination that will directly or indirectly undermine the sanctity and integrity of the examination such as, but not limited to, the following:

(1) Impersonation;

xxx

(7) Possession and or use of fake certificate of eligibility; xxx

These are the acts being attributed to Bautista and Bulong. Both deny the charges and claim lack of knowledge of the irregularity, but the evidence, nonetheless, bears out their guilt.

An examination of the picture seat plan<sup>[14]</sup> which bears the name of Bautista clearly shows the picture of a person different from the person whose picture appears in Bautista's PDS.<sup>[15]</sup> The signature used by Bautista in his PDS<sup>[16]</sup> is also unmistakably different from the signature that appears on the picture seat plan.<sup>[17]</sup>

Bautista never explained these glaring discrepancies. Instead, Bautista relies only on denial. However, "[i]t is well-settled that denial is an inherently weak defense. To be believed, it must be buttressed by strong evidence of non-culpability; otherwise, such denial is purely self-serving and is with no evidentiary value."<sup>[18]</sup>

No such evidence was offered by Bautista. On the contrary, the evidence shows that the person whose picture appears on the picture seat plan is Bautista's former co-worker, and someone known enough within the Santiago City MTCC for Judge De Guzman himself to recognize. Bautista did not deny this fact; indeed, he did not even address this important point in his explanation.

Interesting, too, is that Bautista never proffered evidence to support his claim that he took the exam himself. The only conclusion is that such exonerating evidence does not exist.

On the other hand, Bulong's claim of her own lack of knowledge fails to persuade. It is noteworthy that the signature on the picture seat plan appears to be similar to Bulong's signature on her PDS. Likewise, the person who signed the picture seat plan gave the exact same date as her birthday. Yet, the photo<sup>[19]</sup> that appears on

the picture seat plan is of a person indubitably different from the person whose picture appears in Bulong's PDS.<sup>[20]</sup>

Bulong never even claimed that she took the exam herself, explaining that she had gained her civil service eligibility as a member of a cultural minority.<sup>[21]</sup> She, however, has not given a sufficient explanation why her name, signature, and birthday appeared in the picture seat plan. Instead, Bulong accuses her husband and his mistress of conspiring against her.

Pinning the blame on a nefarious plot by a wayward husband and his mistress is not even new. In *Office of the Court Administrator v. Bermejo*,<sup>[22]</sup> the offender employed the same tired tactic to evade liability. The Court in that case noted that Bermejo was unable to explain how her husband and his mistress could have manipulated the CSC personnel and persuade another person to take the exam in her name.

Needless to say, the Court was not swayed then and it is not swayed now.

Bulong did not present any evidence to support this claim. Neither did she explain why they devised the scheme against her. Moreover, if there was indeed such a scheme, Bulong never informed the CSC, her superiors in the MTCC, or even this Court, of this plot.

As the Court has previously noted, "[i]n the offense of impersonation, there are always two persons involved. The offense cannot prosper without the active participation of both persons."<sup>[23]</sup> That she claimed the test results as her own further convinces the Court that the plot was known to Bulong.

Also noteworthy is that neither Bautista nor Bulong disputed the authenticity of the picture seat plan.

The records of the CSC are "presumed correct and made in the regular course of official business."<sup>[24]</sup> In particular, the Court has recognized the picture seat plan as "a public document which is admissible in evidence without need of proof of its authenticity and due execution."<sup>[25]</sup> As such, "the entries thereof made in the course of official duty are *prima facie* evidence of the facts stated therein."<sup>[26]</sup>

The Court has also upheld the presumption of regularity in the performance of official duties of the CSC personnel, thus:

Those government employees who prepared the [picture seat plan] and who supervised the conduct of the Career Service Sub-Professional Examination xxx, enjoy the presumption that they regularly performed their duties and this presumption cannot be disputed by mere conjectures and speculations.<sup>[27]</sup>

Both Bautista and Bulong failed to overcome the presumption of regularity in administering the civil service exam. They also did not present any proof to counter the CSC's documentary evidence.

More importantly, Bautista and Bulong have not satisfactorily explained why they

claimed the results of the exams in their PDS. If it is true that they have no knowledge of the irregularity on taking the exam, they should not have claimed these results in their PDS knowing the same to be false information.

Even if the Court were inclined to believe they were not party to the irregularity, it does not overturn the fact that they knowingly used the false Certificate of Eligibility for their own advantage.<sup>[28]</sup>

On this matter, the law and CSC rules are clear: "the use of a false certificate of eligibility constitutes an act of dishonesty under civil service rules warranting the penalty of dismissal."<sup>[29]</sup> The same acts also "resulted to the prejudice of the government and the public in general,"<sup>[30]</sup> which the Court will never countenance.

In claiming the results of the civil service exam **they did not take** as their own and reflecting the same in their PDS, Bautista and Bulong committed Dishonesty and Falsification of Official Document. Falsification of the PDS is considered a "dishonest act related to [their] employment"<sup>[31]</sup> and "shows lack of integrity or a disposition to defraud, cheat, deceive or betray and an intention to violate the truth."

Finally, the court agrees with the OCA's recommendation on the penalty to be imposed on the transgressing employees.

Section 9 of R.A. No. 9416 states:

SECTION 9. Administrative Liability. — Any person found administratively liable under any of the acts mentioned above, shall be liable for serious dishonesty and grave misconduct and shall be dismissed from the service with all the accessory penalties for government employees. Nongovernment employees found administratively liable shall be perpetually barred from entering government service and from taking any government examination.

Meanwhile, the 2017 Rules on Administrative Cases in the Civil Service (RAACCS)<sup>[32]</sup> makes the following classification of offenses:

#### Rule 10

#### ADMINISTRATIVE OFFENSES AND PENALTIES

**Section 50. Classification of Offenses.** Administrative offenses with corresponding penalties are classified into grave, less grave and light, depending on the depravity and effect on the government service.

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

1. **Serious dishonesty;**
2. Gross Neglect of Duty;
3. **Gross Misconduct;**
4. Being Notoriously Undesirable;