

FIRST DIVISION

[G.R. No. 241363, September 16, 2020]

**TERESITA B. RAMOS, PETITIONER, VS. ANNABELLE B. ROSELL
AND MUNICIPALITY OF BAGANGA, DAVAO ORIENTAL,
RESPONDENTS.**

DECISION

LOPEZ, J.:

Before Us is a Petition for Review on *Certiorari*^[1] filed under Rule 45 of the Rules of Court seeking to set aside the Decision^[2] dated November 29, 2017 and Resolution^[3] dated July 2, 2018, both of the Court of Appeals (CA) – Cagayan de Oro City in CA-G.R. SP No. 07919-MIN, which affirmed the Civil Service Commission's (CSC) Decision^[4] dated August 5, 2016, finding Teresita B. Ramos guilty of Serious Dishonesty, Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service, and Falsification of Official Documents.

ANTECEDENTS

This case stemmed from a letter dated June 7, 2012 of the CSC Field Office – Davao Oriental requesting verification of Teresita B. Ramos' certificates of eligibility. On November 25, 2013, the CSC Regional Office No. XI issued Spot Verification Report stating that Ramos declared in her Personal Data Sheet^[5] (PDS) dated March 28, 2005 that she took the Career Service Sub-Professional Eligibility (CSSPE) examination on April 6, 1994 in Davao City and passed with a rating of 80.03. However, the records did not show that a career service examination was conducted on that date and that Ramos was included in the Register of Eligibles. Instead, Ramos was issued a Barangay Official Certificate of Eligibility (BOE) on April 26, 1994 in Davao City. On April 21, 2014, the CSC RO No. XI formally charged Ramos with the administrative offenses of Serious Dishonesty, Grave Misconduct, Conduct Prejudicial to the Best Interest, and Falsification of Official Documents.^[6]

In her Answer,^[7] Ramos admitted that she did not possess a CSSPE but only a BOE. She claimed that her supposed rating in the March 28, 2005 PDS was already deleted when she submitted another PDS (substitute PDS) to the Human Resource Management Office (HRMO) of the Municipality of Baganga. In any case, the false entries in the March 28, 2005 PDS were not used to deceive for her benefit.

On August 17, 2015, the CSC RO No. XI found Ramos guilty of the offenses and imposed upon her the penalty of dismissal from the service.^[8] The CSC RO No. XI noted that Ramos declared in her PDS dated May 21, 1999 and March 28, 2005 that she was a CSSPE holder, thus:

All told, it cannot be denied that [Ramos] has done the dishonest act not only once but twice.

Premises considered, it is hereby declared that [Ramos] is **GUILTY** as charged and is meted the penalty of **DISMISSAL** from the service with all the accessory penalties of perpetual disqualification from entering the government service and from taking CS examinations; forfeiture of retirement benefits and cancellation of CS eligibilities.^[9] (Emphasis in the original.)

Ramos sought reconsideration,^[10] explaining that entries in the March 28, 2005 PDS relating to her eligibility status were made inadvertently. She reiterated that she accomplished another PDS to correct these erroneous entries, yet, the substitute PDS was not found in her 201 files brought by the HRMO during the hearing. On November 20, 2015, Ramos filed a motion to admit the substitute PDS^[11] as newly discovered evidence.^[12]

The CSC RO No. XI denied the motion for reconsideration in its Resolution No. 15-01204 dated December 9, 2015.^[13] The CSC RO No. XI noted that Ramos still wrote "CS Sub-Professional" as her eligibility in the substitute PDS. Further, the substitute PDS was not newly discovered evidence because it existed in the records of the HRMO but not produced during trial.

Unsatisfied, Ramos filed a petition for review before the CSC arguing that a BOE is equivalent to a CSSPE; hence, she should not be faulted for writing "CS Sub-Professional" as her eligibility. She insisted that the substitute PDS should be admissible in evidence.

On August 5, 2016, the CSC issued its Decision No. 160848 affirming Ramos' guilt of the administrative charges, viz.:^[14]

WHEREFORE, the Petition for Review of Teresita B. Ramos, Computer Operator IV, Municipal Government of Baganga, Davao Oriental, is hereby **DISMISSED**. Accordingly, Resolution No. 15-01204 dated December 9, 2015 issued by Civil Service Commission Regional Office No. XI, Davao City, affirming its Decision No. 2015-39 dated August 17, 2015 finding her guilty of Serious Dishonesty, Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service and Falsification of Official Documents is **AFFIRMED**. Ramos is hereby dismissed from the service with the 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 civil service examinations.

Copies of this Decision shall be furnished the Commission on Audit-Municipal Government of Baganga, and the Government Service Insurance System (GSIS), for their Information and appropriate action.

Quezon City.^[15] (Emphasis in the original.)

The CSC denied Ramos' motion for reconsideration in its Resolution^[16] No. 1601353 dated December 5, 2016.

Aggrieved, Ramos appealed to the CA. On November 29, 2017, the CA sustained the findings and conclusion of the CSC that the substitute PDS cannot be considered

newly discovered evidence and that Ramos was guilty of the administrative charges.
[17] Ramos sought reconsideration but was denied.[18]

Hence, this petition.

Ramos insists on the admissibility of the substitute PDS claiming that she exerted earnest efforts to secure a copy from the HRMO but failed. She reiterates that she did not intend to falsify her March 28, 2005 PDS because she honestly believed that a BOE is the same as a CSSPE. The false entries did not affect her eligibility for promotion or cause any damage or prejudice to the government or any party. As such, the dishonesty, if it exists, is only simple dishonesty that is punishable by suspension. Further, she cannot be held liable for grave misconduct since the act complained of is not related to the performance of her official duties; or for conduct prejudicial to the best interest of service because she did not commit any act that could tarnish the image or integrity of the public office. Lastly, the mitigating circumstances of good faith, length of service, first time offender, acknowledgement of infraction and feeling of remorse, and humanitarian considerations should be appreciated in her favor in the imposition of the penalty.

Annabelle B. Rosell, Director IV of the CSC RO No. XI, through the Office of the Solicitor General (OSG), counters that there is substantial evidence to hold Ramos liable for the administrative charges. Entries of specific details, such as eligibility, rating, and date of examination, do not arise from mere inadvertence or mistake but a determined effort to mislead and deceive. The OSG avers that the substitute PDS is not a newly discovered evidence because it could have been secured and presented during the proceedings before the CSC RO No. XI with reasonable diligence. Finally, mitigating circumstances cannot be appreciated since dismissal from service is an indivisible penalty, and hence, not susceptible to mitigation.

Meanwhile, the Municipality of Baganga filed a Manifestation and Comment^[19] stating that it will abide by whatever judgment or award this Court may deem proper.

ISSUES

The issues are: (1) whether the substitute PDS is admissible as a newly discovered evidence; and (2) whether Ramos is guilty of the administrative offenses of Serious Dishonesty, Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service, and Falsification of Official Documents.

RULING

The petition is partly meritorious.

Prefatorily, findings of facts of the CSC are conclusive when supported by substantial evidence and are accorded due respect and weight, especially when affirmed by the appellate court. In this case, both the CSC and the CA found that Ramos declared in her March 28, 2005 PDS that she possessed a CS Sub-Professional eligibility, took the CS examination on April 6, 1994, and passed with a rating of 80.03. Ramos wrote the same eligibility in her May 21, 1999 PDS. However, records and Ramos' own admission reveal that she only possessed a Barangay Official Certificate of Eligibility issued on April 26, 1994. Accordingly, these findings of fact are conclusive and binding and shall no longer be delved into. This Court shall confine itself to the determination of the proper administrative offense chargeable against Ramos and

the appropriate penalty. We shall also determine whether the substitute PDS can be considered as newly discovered evidence.

The substitute PDS is admissible as newly discovered evidence.

Newly-discovered evidence may be admissible in evidence if the following requisites are present: (1) that the evidence was discovered after trial; (2) that the evidence could not have been discovered and produced at the trial even with the exercise of reasonable diligence; (3) that it is material, not merely cumulative, corroborative or impeaching; and (4) that the evidence is of such weight that, if admitted, would probably change the judgment.^[20] It is essential that the offering party exercised reasonable diligence in seeking to locate the evidence before or during the trial but nonetheless failed to secure it.^[21] Here, the substitute PDS meets the criteria for newly discovered evidence.

As early as in her Answer^[22] to the formal charge issued by the CSC RO No. XI, Ramos already raised the existence of the substitute PDS claiming that she submitted a new PDS to replace the March 28, 2005 PDS. She wrote the Municipality of Baganga, Davao Oriental on October 28, 2013^[23] to request for her 201 files, and for all her PDS submitted with the HRMO on October 20, 2014.^[24] Unfortunately, the substitute PDS could not be found in the records of the HRMO of the Municipality of Baganga. It was only after the CSC RO No. XI issued its Decision finding Ramos guilty of the administrative charges, and after Ramos reiterated in her Motion for Reconsideration^[25] the existence of the substitute PDS, that Ramos was provided by the HRMO with a copy of the substitute PDS. In the circumstances, we are convinced that Ramos diligently searched and exerted earnest efforts to locate the substitute PDS and produce it during the administrative hearings. Most importantly, the substitute PDS is material evidence that if admitted, could have altered the decision of the CSC finding her guilty of the administrative offenses.

Ramos is not liable for Serious Dishonesty, Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service, and Falsification of Official Documents. She is liable for simple negligence only.

As an administrative offense, dishonesty is defined as the concealment or distortion of truth in a matter of fact relevant to one's office or connected with the performance of his duty.^[26] It is the "disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of integrity, lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray."^[27] Dishonesty requires malicious intent to conceal the truth or to make false statements.^[28] In short, dishonesty is a question of intention. Although this is something internal, we can ascertain a person's intention not from his own protestation of good faith, which is self-serving, but from the evidence of his conduct and outward acts.^[29]

Apropos is the case of *Wooden v. Civil Service Commission*^[30] wherein the petitioner indicated in Item No. 17 of his PDS that he finished his Bachelor of

Secondary Education (BSED) from Saint Louis University with inclusive dates of attendance from 1987 to 1991 and he graduated in March 1991; and in Item No. 18, he indicated that the date of Professional Board of Examination for Teachers is 1992. His Official Transcript of Records shows, however, that he graduated with BSED degree as of March 28, 1992. The Court ruled that the petitioner committed an honest mistake of fact in answering an entry in his PDS and excused him from the legal consequences of his act.

[D]ishonesty, like bad faith, is not simply bad judgment or negligence. Dishonesty 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 petitioner, 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.**

The intent to falsify or misrepresent is inexistent at the time petitioner applied for the PBET when he indicated "March 1991" under "Date Graduated" since he in fact attended the graduation rites on March 24, 1991. Petitioner should not be faulted for his mistake or confusion in the interpretation of the term "graduated." Whether he should have indicated "May" in his PBET application should not be expected of him because his answer that he graduated "March 1991" was based on the honest belief, albeit mistaken, that once he completed his course deficiencies, which in fact he did in 1991 or several months prior to his application for the PBET, the actual conferment of the degree on him on March 24, 1991 was thereby made effective. At that point in time when he filled up his application for the PBET, the intent to deceive is absent. He was not asked when he actually completed his course; rather he was merely asked the date of his graduation.

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Petitioner should not be faulted when he wrote "1987-1991" in his PDS under "Inclusive Dates of Attendance" since he did attend the school during the given period and in fact graduated on March 24, 1991. It is an honest mistake of fact induced by no fault of his own and excuses him from the legal consequences of his act. *Ignorantia facti excusat*. To stress, petitioner was asked mainly about the inclusive dates of his attendance in SLU. The official transcript of records was issued on August 8, 1994. Understandably, it does not show the circumstances that led petitioner in giving the subject answers in his application for PBET and PDS. The transcript of records should not be made the basis for holding petitioner liable for dishonesty.

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Besides, the discrepancy in the PDS on the date of examination is susceptible of varied explanations and does not necessarily imply bad faith. The year "1992" might simply be a typographical error or petitioner might have merely indicated the date of release of the PBET. In any