

EN BANC

[A.M. No. 15-02-02-SCC, October 06, 2020]

ALLEGED EXAMINATION IRREGULARITY COMMITTED BY COURT STENOGRAPHER I NORHATA A. ABUBACAR, SHARI'A CIRCUIT COURT, LUMBATAN, LANA O DEL SUR.

D E C I S I O N

PER CURIAM:

Before the Court is an administrative case for Dishonesty against Norhata A. Abubacar (Abubacar), Court Stenographer I of the Shari'a Circuit Court of Lumbatan, Lanao del Sur.

Antecedents

In a letter^[1] dated 03 November 2014, the Civil Service Commission (CSC)-Regional Office No. 10, referred to this Court a Preliminary Investigation Report (Report)^[2] with respect to the civil service eligibility of Abubacar. The Report revealed the following:

1. That a person purporting to be Abubacar applied for and took the 07 November 1999 Career Service (CS) Sub Professional Examination in Cagayan de Oro City and obtained a rating of 85.07%;
2. That Abubacar indicated in her 17 January 2000 Personal Data Sheet that she passed the aforementioned examination, with a rating of 85.07%;
3. That on 15 February 2000, a permanent appointment as Court Stenographer I (SG-8) was issued to Abubacar by the Supreme Court, Manila;
4. That [a] comparison of Abubacar's picture attached to her 17 January 2000 Personal Data Sheet and the picture attached to the 07 November 1999 Career Service (CS) Sub Professional examination picture seat plan reveals that another person took the examination on her behalf, considering the disparity of the facial features of the person depicted in the pictures. Further, the signature appearing on the Personal Data Sheet and that appearing in the Picture Seat Plan shows dissimilarity.^[3]

The Office of the Court Administrator (OCA) then required Abubacar to submit her comment on the Report, not only once but twice. Despite receipt of the OCA's directives, however, Abubacar failed to comply.

Thus, on 22 February 2017, the Court directed Abubacar to show cause why she should not be held administratively liable for disobeying the Court's orders.^[4] She was further required to submit her comment within five (5) days from notice,

otherwise, the Court would decide the case on the basis of the records at hand. Despite the Court's categorical directive, Abubacar still failed to file her comment.^[5]

Consequently, in a resolution dated 18 October 2017, the Court deemed Abubacar to have waived the filing of her comment. The case was referred to the OCA for investigation, report, and recommendation.

In its Memorandum^[6] dated 19 January 2018, the OCA found Abubacar guilty of dishonesty and insubordination, and recommended that she be dismissed from the service, with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to reemployment in any branch or instrumentality of the government, including government-owned or controlled corporations.^[7]

Abubacar wrote to the Court, in a letter dated 28 January 2018, seeking reconsideration of its 18 October 2017 Resolution. She explained that her non-compliance with the earlier show cause order was due to the crisis in Marawi. She asked the Court for five (5) days within which to submit the required comment. The Court, in the interest of justice, granted Abubacar a non-extendible period of ten (10) days from notice within which to submit her comment.^[8]

Findings and Recommendations of the OCA

The OCA submitted its Memorandum^[9] dated 25 October 2018, reiterating its earlier recommendation^[10] that Abubacar be dismissed from the service for dishonesty based on the following findings:

A review of respondent's records with the Office of Administrative Services, Office of the Court Administrator shows that her 201 File contains three (3) accomplished Personal Data Sheet (PDS) forms dated 05 June 1998, 11 May 1999 and 10 June 2005. x x x

A comparison of the three PDS forms shows that, except for the varying [hair lengths], the I.D. pictures are similar to the I.D. picture on respondent's PDS form dated 17 January 2000, which was attached to the CSC Investigation Report dated 07 November 2014. Readily, it can be seen that respondent has a mole under her right eyebrow, a prominent mark that is visible in all the I.D. pictures attached to her PDS forms. In contrast, the picture on the Picture Seat Plan of the CSC shows that the person has no mole on her face.

Respondent maintains that the picture attached to the PSP was her high school picture. Notably, by the time of examination in 1999, she was already thirty-one (31) years old. Upon inquiry with CSC Regional Office No. 10, this Office was informed that in the 1990s, the CSC had already adopted a guideline requiring examination applications to submit I.D. pictures taken within six (6) months prior to the filing of their respective applications. This guideline came in the form of announcements posted by the CSC regarding the conduct of career service or sub-professional examinations. Thus, even granting for the sake of argument that respondent truly took the examination, the high school picture she submitted at the time of examination could not have been acceptable to the CSC, as the disparity in years between the age in photo and

respondent's age at the time of examination (31 years) clearly exceeded the six (6)- month guideline.

x x x

The procedure practiced by the CSC in ensuring the identity of examinees and the striking disparity of facial features as proven through respondent's own records in her 201 File, lead to no other conclusion other than the fact that another person took the examination on respondent's behalf.

x x x. In this case, respondent claims that her co-employees can attest to her varying penmanship, but she failed to attach any sworn statement from any co-employee corroborating her claim. She also failed to present evidence to refute the picture attached to the [Picture Seat Plan].^[11]

Ruling of the Court

The Court adopts the recommendation of the OCA.

This is not a case of first impression. The Court has had several occasions in the past to resolve cases of impersonation in taking the civil service eligibility exam. In *Clavite-Vidal v. Aguam*,^[12] a court stenographer was accused of impersonation when a discrepancy was found between the image in the Picture Seat Plan and the picture in her Personal Data Sheet (PDS). The Court brushed aside her defense that she submitted her high school picture. It held:

The fact of impersonation was proven with certainty. Judge Balindong observed upon approaching Aguam during a hearing that she is not the person whose picture was attached to the Picture Seat Plan. This finding debunks Aguam's claim that she attached her high school picture on the Picture Seat Plan. The records also validate Judge Balindong's finding that Aguam's specimen signatures written on a piece of paper are starkly different from Aguam's supposed signature on the Picture Seat Plan. Then there is the discernible difference in Aguam's handwriting and signature on the Personal Data Sheet and the impersonator's handwriting and signature on the Picture Seat Plan. Taken together, the evidence leads to no other conclusion than that somebody else took the examination using Aguam's identity.^[13]

Dishonesty is defined as the concealment or distortion of truth, which shows lack of integrity or a disposition to defraud, cheat, deceive, or betray, or intent to violate the truth.^[14] Allowing another person to take civil service examination on one's behalf has been ruled to be an act of dishonesty.^[15] First-time offenders found guilty of grave dishonesty involving falsification of their civil service examination results merit the penalty of dismissal from service.^[16] On the other hand, making an untruthful statement in the PDS likewise amounts to dishonesty, as well as falsification of official document, which warrant dismissal from service upon commission of the first offense.^[17]

Abubacar committed dishonesty when she declared in her PDS that she took the Civil Service Sub Professional Examination on 07 November 1999 in Cagayan de Oro