

## THIRD DIVISION

[ G.R. No. 198404, October 14, 2019 ]

**MELVIN G. SAN FELIX, PETITIONER, V. CIVIL SERVICE COMMISSION, RESPONDENT.**

### DECISION

**HERNANDO, J.:**

Challenged in this petition<sup>[1]</sup> is the October 28, 2010 Decision<sup>[2]</sup> and August 11, 2011 Resolution<sup>[3]</sup> of the Court of Appeals (CA) in CA-G.R. CEB SP No. 03560, which affirmed the January 19, 2007 Resolution No. 070100<sup>[4]</sup> and April 28, 2008 Resolution No. 080780<sup>[5]</sup> of the Civil Service Commission (CSC), which found petitioner Melvin G. San Felix (San Felix) guilty of dishonesty and meted him the penalty of dismissal from service together with the accessory penalties of disqualification from reemployment in the government service, cancellation of eligibility, forfeiture of retirement benefits, and bar from taking civil service examination.

#### The Antecedents

On March 8, 2001, the CSC Regional Office No. 6 of Iloilo City charged petitioner San Felix with dishonesty for allegedly conspiring with and allowing another person to take, in his behalf, the Police Officer I Examination held on March 29, 1998.<sup>[6]</sup> The CSC noted that the picture and the signature of San Felix in the application form and the seat plan were not identical with those found in petitioner's Personal Data Sheet (PDS). Thus, the CSC Regional Office No. 6 arrived at the conclusion that San Felix conspired with another person by allowing the latter to impersonate him and take the examination in his behalf, indicating in all the pertinent documents the personal circumstances of San Felix and writing his name and affixing his signature therein.

In his Answer,<sup>[7]</sup> petitioner denied having conspired with another person to impersonate him and take in his behalf the Police Officer I Examination on March 29, 1998. He insisted that he personally took the said examination. He explained that the disparity in the pictures in his application form and in the seat plan with those in the PDS might be due to a mix-up or that his picture was interchanged or replaced with another person's picture.

Thereafter, petitioner filed a Motion to Dismiss<sup>[8]</sup> asserting that by virtue of the ruling in *Civil Service Commission v. Court of Appeals*,<sup>[9]</sup> the CSC has been divested of its authority and jurisdiction to conduct entrance examination or promotional examination to the members of the Philippine National Police (PNP). In the said case, the Supreme Court ordered the CSC to desist from further conducting any promotional examination for police officers (POs) and senior police officers (SPOs).

However, the CSC Regional Office No. 6 of Iloilo City denied<sup>[10]</sup> petitioner's Motion to Dismiss and directed the hearing officer to continue with the formal investigation.

### **Ruling of the CSC Regional Office**

Thus, on July 19, 2004, the CSC Regional Office No. 6 of Iloilo City rendered its Decision<sup>[11]</sup> which found petitioner guilty of dishonesty and meted him the penalty of dismissal with the accessory penalties of disqualification for reemployment in the government service, cancellation of eligibility, forfeiture of retirement benefits, and bar from taking any civil service examination. It found that the picture on the seat plan was in fact different from the picture on petitioner's PDS dated August 26, 1997 and May 2, 1998. Also, petitioner's signature in his PDS was different from the signature affixed in the seat plan. The CSC held that the significant differences in the strokes and general appearances of the two sets of signatures only proved that the two signatures were not written nor signed by one and the same person.

### **Ruling of the CSC Proper**

The CSC issued its January 19, 2007 Resolution No. 070100<sup>[12]</sup> which dismissed petitioner's appeal and affirmed the July 19, 2004 Decision of the CSC Regional Office No. 6 of Iloilo City. It ruled that the decision of the Supreme Court in *Civil Service Commission v. Court of Appeals* has prospective application. Thus, CSC's acts of administering examination for members of the PNP, prosecuting violations thereof, and issuing Police Officer I eligibility were deemed effective from the time of issuance of CSC Resolution No. 96-5487 on August 26, 1996 until the promulgation of the decision of this Court in *Civil Service Commission v. Court of Appeals* on September 25, 2001. The CSC Resolution No. 96-5487 enjoyed the presumption of regularity from the time of its issuance until the promulgation of the Supreme Court's decision declaring the said resolution null and void. Hence, the CSC has jurisdiction over the subject incident.

Moreover, the CSC held that petitioner's declaration in his PDS that he passed the Police Officer I Examination made him liable for falsification of a document by making untruthful statement in a narration of facts as defined under Article 171, paragraph 4 of the Revised Penal Code (RPC). By making a false statement in his PDS to make him appear eligible for appointment as Police Officer I, petitioner prejudiced other qualified applicants for the same position.

Petitioner filed a motion for reconsideration which was denied by the CSC in its April 28, 2008 Resolution No. 080780.<sup>[13]</sup>

### **Ruling of the Court of Appeals**

The appellate court dismissed petitioner's petition for review and affirmed *in toto* CSC's January 19, 2007 Resolution No. 070100.<sup>[14]</sup> The CA sustained the jurisdiction of the CSC to investigate the alleged examination taken by petitioner and to impose upon him the appropriate penalty or sanction. The CA opined that *Civil Service Commission v. Court of Appeals* did not completely divest the CSC of its original jurisdiction over all cases involving civil service examination anomalies or irregularities. What the Supreme Court invalidated was Item No. 3 of CSC Resolution No. 96-5487 because it was considered an encroachment on the exclusive power of the National Police Commission (NPC) under Section 32 of Republic Act (R.A.) No. 6975 to administer promotional examinations for police officers and to impose

qualification standards for promotion of PNP personnel to the ranks of PO2 up to Senior Police Officers 1-4. Moreover, *Civil Service Commission v. Court of Appeals* merely ordered the CSC to desist from further conducting any entrance and promotional examination for police officers and senior police officers, but did not expressly prohibit the Commission from pursuing any investigation regarding anomalies committed on previous examinations.

Finally, the CA held that petitioner was given ample opportunity to defend himself. His failure to present additional evidence was a waiver on his part and not a denial of his right to due process. Besides petitioner and his counsel were the ones who failed to attend the hearings scheduled for the reception of their evidence.

Petitioner filed a motion for reconsideration which was denied by the appellate court in its August 11, 2011 Resolution.<sup>[15]</sup>

Hence, petitioner filed this Petition for Review on *Certiorari* under Rule 45 raising the lone issue of whether or not the CSC has jurisdiction to conduct investigations and render administrative decisions based on alleged anomalies in police entrance and promotional examinations when it no longer had any authority after the creation of the NPC.

Petitioner argues that although the CSC was formerly vested with authority to administer the qualifying entrance examinations for police officers, the same was withdrawn with the enactment of R.A. No. 8551 which took effect on March 6, 1998 and mandated the NPC to administer both the entrance and promotional examinations for police officers. He argues that the authority of the NPC to administer the qualifying examination was upheld by the Supreme Court in *Civil Service Commission v. Court of Appeals* wherein it declared that the NPC has the exclusive power to administer the police entrance and promotional examinations.

Petitioner asserts that the appellate court's pronouncement that R.A. No. 8551 never expressly ordered the CSC to desist from investigating anomalies committed during such examinations, although the CSC no longer had the authority to conduct police entrance examinations, was flawed as it implied that the NPC only had supervisory powers regarding police examinations which was in direct contravention of existing laws and jurisprudence.

On the other hand, the CSC, through the Office of the Solicitor General (OSG), maintains that it is vested with jurisdiction over cases involving anomalies or irregularities in the civil service examination pursuant to Article IX (B) of the 1987 Constitution; Sections 4 and 6, Rule I of CSC Resolution No. 99-1936; and the Omnibus Civil Service Rules Implementing Book V of Executive Order No. 292.

Moreover, the CSC claims that Item No. 3 of CSC Resolution No. 96-5487 dated August 8, 1996, which required police officers and senior police officers to take and pass the CSC Police Officer Entrance Examination before being appointed, enjoyed the presumption of regularity from its issuance on August 26, 1996 until the promulgation of *Civil Service Commission v. Court of Appeals* by the Supreme Court on September 25, 2001, which nullified and voided Item No. 3 of CSC Resolution No. 96-5487.

### **The Court's Ruling**

We find the petition without merit.

The CSC has the authority and jurisdiction to investigate anomalies and irregularities in the civil service examinations and to impose the necessary and appropriate sanctions. The Constitution grants to the CSC administration over the entire civil service.<sup>[16]</sup> As defined, the civil service embraces every branch, agency, subdivision, and instrumentality of the government, including every government-owned or controlled corporation.<sup>[17]</sup> Section 91 of R.A. No. 6975 or the *Department of Interior and Local Government Act of 1990* provides that the "Civil Service Law and its implementing rules and regulations shall apply to all personnel of the Department," to which herein petitioner belongs.

As the central personnel agency of the government, the CSC under Article IX-B, Section 3 of the Constitution shall:

[E]stablish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service. It shall strengthen the merit and rewards system, integrate all human resources development programs for all levels and ranks, and institutionalize a management climate conducive to public accountability. It shall submit to the President and the Congress an annual report on its personnel programs.

Furthermore, Section 12<sup>[18]</sup> of Executive Order (E.O.) No. 292, otherwise known as the *Administrative Code of 1987*, enumerates the powers and functions of the CSC, to wit:

SEC. 12. *Powers and Functions.* — The Commission shall have the following powers and functions:

(1) Administer and enforce the constitutional and statutory provisions on the merit system for all levels and ranks in the Civil Service;

x x x x

(7) Control, supervise and coordinate Civil Service examinations. x x x

x x x x

(11) Hear and decide administrative cases instituted by or brought before it directly or on appeal, including contested appointments, and review decisions and actions of its offices and the agencies attached to it. x x x

Specifically, Section 32 of R.A. No. 6975 vests upon the CSC the power to administer the qualifying entrance examinations for police officers on the basis of the standards set by NPC. Thus, the CSC issued Resolution No. 96-5487 dated August 8, 1996 which took effect on August 26, 1996 which provided that in order to be appointed to police officer and senior police officer positions in the PNP, the applicant is required to pass any of the following examinations: (a) INP Entrance Examination; (b) Police Officer 3<sup>rd</sup> Class Examination; and (c) CSC Police Officer Entrance Examination.