

EN BANC

[A.M. No. P-15-3289, February 17, 2015]

**CIVIL SERVICE COMMISSION, AS REPRESENTED BY DIRECTOR
IV MARIA LETICIA G. REYNA, COMPLAINANT, VS. JOVILYN B.
DAWANG, COURT STENOGRAPHER I, MUNICIPAL TRIAL COURT,
TALUGTOG, NUEVA ECIJA, RESPONDENT.**

R E S O L U T I O N

PER CURIAM:

Respondent Jovilyn B. Dawang (Dawang) is a Court Stenographer 1 in the Municipal Trial Court of Talugtog, Nueva Ecija.^[1] Dawang had been working as a stenographer for various courts in a temporary capacity since 1993,^[2] until she qualified as a permanent employee upon obtaining her Certificate for Career Service Professional Eligibility.^[3]

In the Letter^[4] dated June 21, 2011, the Civil Service Commission informed the Office of the Court Administrator that it was charging Dawang with serious dishonesty. According to the Civil Service Commission, Dawang conspired with another individual during the Career Service Professional Examination held on August 18, 1996.^[5] Dawang, then Jovilyn S. Borillo, asked an impersonator to take the examination in her stead.^[6] The impersonator placed her own 2x2 photograph on the picture-seat plan of the examination under the name of Jovilyn S. Borillo.^[7] The complete personal circumstances and alleged signature of Dawang were affixed on the documents for the exam.^[8] "[T]he impersonator passed the examination and consequently, a Certificate for Career Service Professional Eligibility was issued in the name of [Dawang]."^[9]

Dawang filed a modified Personal Data Sheet^[10] on October 11, 1996. In its Item No. 18, she included the qualification "Career Service Professional" with a rating of 84.86%.^[11]

"[O]n February 2, 2007, Dawang requested [for] authentication of her Certificate of Eligibility at the Integrated Records Management Office [of the Civil Service Commission]."^[12] Upon verifying Dawang's examination and employment records, the Integrated Records Management Office noted marked differences in the facial features of the photographs and signatures on the picture-seat plan and the identification cards Dawang presented.^[13] The 2x2 photograph on Dawang's modified Personal Data Sheet had different facial features from the photograph on the picture-seat plan^[14] for the examination. The different facial features showed that the person in the Personal Data Sheet and the person on the picture-seat plan were two different individuals. The Integrated Records Management Office "forwarded Dawang's request to the Examination, Recruitment, and Placement

Office [of the Civil Service Commission] for further investigation[.]"[15]

On May 29, 2007, the Examination, Recruitment, and Placement Office required Dawang to show cause "why she should not be administratively charged for having employed fraud in acquiring [her Career Service Professional Eligibility]."[16]

Dawang did not comply with the Examination, Recruitment, and Placement Office's Show Cause Order.[17] On May 17, 2011, the Civil Service Commission found a *prima facie* case against Dawang, and she was formally charged with two (2) counts of serious dishonesty.[18] The Civil Service Commission directed Dawang to file an Answer under oath.[19]

In her Answer, Dawang narrated that sometime in July 1996, she went to the Civil Service Commission's office in Quezon City to inquire about the Career Service Professional Examination.[20] There, a well-dressed man in a barong tagalog identified himself as a lawyer-employee of the Civil Service Commission.[21] He entertained Dawang's questions regarding the examination.[22] She recalled that after filling out the application form and submitting her 2x2 pictures, the lawyer-employee told her that "there is no more problem, this is sure already [and that they] will talk when the result of the examination is released." [23]

Dawang stated that she waited for the notice informing her to take the examination, but it did not arrive.[24] In September 1996, she received a letter from the Civil Service Commission stating that she passed the Civil Service Professional Examination.[25] Included in the letter was the Certificate of Eligibility [26] dated August 30, 1996.[27] She went to the Civil Service Commission office to verify. She was informed by a clerk that she indeed passed the examination and that her name was already included in the masterlist.[29]

Dawang modified her Personal Data Sheet to include the eligibility.[30] Her new eligibility allowed her to obtain a permanent status in her appointment as Court Stenographer 1.[31]

Dawang refutes the Civil Service Commission's statement in its Resolution dated May 11, 2011 stating that she "conspired and confederated with another person, caused and allowed the latter to take the examination for and on her behalf." [32] According to Dawang, she was "a victim of injustice caused by unscrupulous person or persons particularly that lawyer who represented himself as officer of the Civil Service Commission." [33]

In the Resolution [34] dated August 6, 2013, the Civil Service Commission transferred the case to the Office of the Court Administrator.[35] In its Report [36] dated October 13, 2014, the Office of the Court Administrator found Dawang guilty of serious dishonesty.[37] It recommended the penalty of dismissal from service "with forfeiture of all retirement benefits except [for] her accrued leave credits . . . with prejudice to re-employment in any branch or instrumentality of the government including government-owned or controlled corporations." [38]

This court agrees with the Office of the Court Administrator's Report. Dawang's acts constituted serious dishonesty.

Upon examination of Dawang's photograph on the picture-seat plan of the August 18, 1996 Career Service Professional Examination and her photographs on her Personal Data Sheets,^[39] we share the Civil Service Commission and the Office of the Court Administrator's conclusion that the individual whose picture appears on the picture-seat plan is not Dawang. The differences are apparent even to an ordinary person.

Allowing another person to take the examination on one's behalf is an act of dishonesty. Dishonesty 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."

^[40]

Even if we believe Dawang's narrative, her acts after learning she apparently passed the exam are marred with serious dishonesty. When she received the letter from the Civil Service Commission and the Certificate of Eligibility without her taking an actual examination, her first instinct was to confirm her eligibility. She did not question how she could have passed without physically taking the examination.

Despite her knowledge that the examination was on August 18, 1996, nothing in Dawang's narrative shows that she went to the Civil Service Commission on such date. An honest individual would have inquired why she did not receive through post the notice informing her to take the examination. Only a dishonest individual would accept the favorable results of an examination she did not take.

Dawang's narration of the facts shows that she used this mysteriously acquired eligibility to attain a permanent status in her position.

Dawang's Personal Data Sheet filed on October 11, 1996 documented her dishonesty. She wrote that her Civil Service Eligibility included "Career Service Professional." On the field for date, she wrote "August 18, 1996." She also noted that her rating was "84.86%" and that the place of examination was "Juan Sumulong High Sch. M.M." She had the courage to write all these details, yet she admitted in her sworn statement that she did not take the examination on August 18, 1996. If she did not take the examination on the said date at the said venue, then it is impossible for her to score in the examination. Yet, in her Personal Data Sheet, she declared under oath that she did.

Dawang denied that she conspired with another person to take the examination on her behalf. She blamed the conspiracy on the lawyer-employee at the Civil Service Commission office. However, her denial does not cure the dishonesty of writing the ill-gotten qualifications on her Personal Data Sheet. She had been a civil service employee for the past three years prior to the year she planned to take the examination. She is fully aware that there is an actual examination that must be passed in order to qualify for the civil service professional eligibility. Her disregard for this requirement and the hasty usage of such eligibility constitute serious dishonesty.

Under the Revised Rules on Administrative Cases in the Civil Service, Rule 10,