

## THIRD DIVISION

**[ G.R. No. 203536, February 04, 2015 ]**

**CIVIL SERVICE COMMISSION, PETITIONER, VS. MARIA RIZA G. VERGEL DE DIOS, RESPONDENT.**

### DECISION

**VILLARAMA, JR., J.:**

Before us is a petition for review on certiorari assailing the Amended Decision<sup>[1]</sup> dated March 21, 2012 and Resolution<sup>[2]</sup> dated September 17, 2012 of the Court of Appeals (CA) in CA-G.R. SP No. 114040. The CA set aside its Decision<sup>[3]</sup> dated October 20, 2011 which upheld the resolutions of the Civil Service Commission (CSC) dismissing respondent Maria Riza G. Vergel de Dios from the service.

The facts follow.

The CSC conducted an investigation after receiving an anonymous complaint that several employees of San Rafael Water District employed a fixer to pass the CSC's Career Service Professional Examination on November 17, 2000. In the course of the investigation, CSC Director Aurora C. De Leon received a phone call implicating respondent in the alleged irregularity. Director De Leon's verification with the Integrated Records Management Office of the Central Office of the CSC revealed that there were discrepancies in the signatures and pictures of the respondent in her personal data sheets and on the picture seat plan used for said examination. Thus, respondent was formally charged for dishonesty, grave misconduct, falsification of official documents and conduct prejudicial to the best interest of the service.

In her defense, respondent testified that she was the one who took the examination. Loline<sup>[4]</sup> Padilla testified that she accompanied respondent when she took the examination. Padilla admitted however that she never saw respondent take the examination.

In its Decision<sup>[5]</sup> dated August 26, 2008, the CSC Regional Office No. III found respondent guilty of serious dishonesty, grave misconduct, and falsification of official documents, and dismissed her from the service. The CSC Regional Office found that the picture pasted and the signature appearing on the picture seat plan of the Career Service Professional Examination held at the CSC Central Office on November 17, 2000 is different from the pictures pasted and signatures appearing on respondent's personal data sheet accomplished on March 13, 2001 and personal data sheet accomplished on July 14, 2006.<sup>[6]</sup> Respondent's motion for reconsideration was denied.

The CSC dismissed respondent's appeal in its Resolution No. 091721<sup>[7]</sup> dated

December 11, 2009. The dispositive portion thereof provides:

**WHEREFORE**, the appeal of Maria Riza G. Vergel de Dios, former Public Relations Officer A, San Rafael Water District, San Rafael, Bulacan, is hereby **DISMISSED**. Accordingly, the Decision dated August 26, 2008 rendered by the Civil Service Commission Regional Office (CSCRO) No. III, San Fernando City, Pampanga finding her guilty of Serious Dishonesty, Grave Misconduct and Falsification of Official Document and imposing upon her the penalty of dismissal from the service including its accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, disqualification from taking future civil service examinations and perpetual disqualification from re-entering the government service, is hereby **AFFIRMED**.<sup>[8]</sup>

The CSC agreed with its Regional Office that (1) the Vergel de Dios in the picture seat plan is not the same Vergel de Dios whose picture is pasted in the personal data sheet and (2) the signatures appearing therein pertain to different individuals.

<sup>[9]</sup> The CSC added:

The submitted documents show that the picture of Vergel de Dios as affixed in the [personal data sheet] is obviously not the Maria Riza G. Vergel de Dios whose picture appears on the [picture seat plan]. This may be seen in the discrepancies in her facial features specifically the size of her head, the prominence of the forehead, shape of her eyebrows, the difference of the full-face view, the projection of the nose, the round shape of the face and the forehead, among others. Moreover, the signatures of the respondent as affixed in the Picture Seat Plan (PSP) reflects a glaring difference to the signature affixed in her Personal Data Sheet (PDS) accomplished on February 27, 2001. Such difference in the manner by which the respective signatures were done clearly shows that they were made by two different persons.<sup>[10]</sup>

In its Resolution No. 100728<sup>[11]</sup> dated April 12, 2010, the CSC denied respondent's motion for reconsideration.

In its Decision dated October 20, 2011, the CA dismissed respondent's petition for review and agreed with the findings of the CSC. The *fallo* of the CA decision reads:

**WHEREFORE**, premises considered, the petition is hereby **DISMISSED**. The assailed Resolution Nos. 091721 and 100728 dated 11 December 2009 and 12 April 2010, respectively, of the Civil Service Commission are hereby **AFFIRMED**.

**SO ORDERED**.<sup>[12]</sup>

On reconsideration, the CA issued the assailed Amended Decision dated March 21,

2012 which set aside its Decision dated October 20, 2011 and reversed the CSC resolutions, to wit:

**WHEREFORE**, the earlier Decision of this Court dated 20 October 2011 is hereby **RECALLED** and **SET ASIDE** and a new one is entered **GRANTING** the instant petition. Resolution No. 091721 dated 11 December 2009 and Resolution No. 100728, both issued by the Civil Service Commission, are hereby **REVERSED** and **SET ASIDE**.

**SO ORDERED.**<sup>[13]</sup>

While the CA recognized the CSC's strict procedures to ensure the integrity of its examinations, the CA said that there is no showing that those procedures were followed when the purported impersonation subject of this case happened. The CA noted that the room examiners were not presented to prove that the examination procedures were strictly implemented. Thus, the CA held that the discrepancy in respondent's signatures and pictures on the personal data sheets and picture seat plan can be the result of a simple mix up.<sup>[14]</sup>

The assailed Resolution dated September 17, 2012 denied the CSC's motion for reconsideration.

Hence, this petition with the sole assignment of error:

x x x THE x x x COURT OF APPEALS DECIDED A QUESTION OF SUBSTANCE IN A WAY NOT IN ACCORD WITH LAW AND WITH THE APPLICABLE DECISIONS OF THE SUPREME COURT x x x.<sup>[15]</sup>

The main issue is whether the CA erred in reversing the ruling of the CSC on the ground that the discrepancies in respondent's pictures and signatures in the picture seat plan and personal data sheets were due to a possible mix up.

Petitioner argues that the presentation of the room examiners is not required to prove the observance of the procedure in preparing the picture seat plan and in implementing the civil service examination because of the presumption of regularity in the performance of official duty in favor of public officers. Petitioner also argues that the personal data sheet and picture seat plan are public documents which are admissible in evidence without proof of authenticity and due execution thereof. Petitioner avers that the discrepancy in the signature and picture of the respondent in her personal data sheet and picture seat plan is tantamount to the commission of misrepresentation in the personal data sheet and fraudulent procurement of civil service eligibility.

Respondent counters that despite the presumption of regularity in the performance of official duty in favor of public officers, the room examiners must still be presented to prove that the examination procedures were complied with. Respondent asserts that the issuance of her Certificate of Eligibility is also presumed regular.

The petition is meritorious.

We reverse the ruling of the CA that the discrepancies in respondent's signatures and pictures on the personal data sheets and picture seat plan can be the result of a simple mix up. This ruling is pure speculation and is belied by the evidence on record.

Written on the picture seat plan is the name of respondent in bold letters.<sup>[16]</sup> On top of it is her purported signature. Notably, respondent said that she was the one who took the examination. If we believe her, then she was the one who wrote her name in bold letters and put the signature on top of it. Thus, there was no mix up in her signature on the picture seat plan.

Upon comparison of respondent's signatures, the CSC found that respondent's signature on the picture seat plan is different from her signatures on her personal data sheets. We also examined respondent's signatures on the picture seat plan and personal data sheet<sup>[17]</sup> and we agree with the CSC that the signatures are different. We also agree with the CSC that the pictures of respondent on the picture seat plan and personal data sheets are different. If only to stress, we again quote the finding of the CSC:

The submitted documents show that the picture of Vergel de Dios as affixed in the [personal data sheet] is obviously not the Maria Riza G. Vergel de Dios whose picture appears on the [picture seat plan]. This may be seen in the discrepancies in her facial features specifically the size of her head, the prominence of the forehead, shape of her eyebrows, the difference of the full-face view, the projection of the nose, the round shape of the face and the forehead, among others. Moreover, the signatures of the respondent as affixed in the Picture Seat Plan (PSP) reflects a glaring difference to the signature affixed in her Personal Data Sheet (PDS) accomplished on February 27, 2001. Such difference in the manner by which the respective signatures were done clearly shows that they were made by two different persons.<sup>[18]</sup>

As we said in *Office of the Court Administrator v. Bermejo*<sup>[19]</sup>:

It is difficult to believe that respondent could not have noticed that her picture was put on top of a different name and that her name was accompanied by the picture of another person. There was a space provided for the signature of the examinee. Thus, respondent could not have missed that she was signing – if indeed she was signing her own name – the box with a different picture. She proffers no sufficient explanation for this discrepancy.

We thus entertain no doubt that someone impersonated respondent and took the examination for her.

We also agree with petitioner that the presentation of the room examiners is not