

SECOND DIVISION

[A.M. No. P-13-3132 (Formerly A.M. No. 12-3-54-RTC), June 04, 2014]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
SARAH P. AMPONG, COURT INTERPRETER III, REGIONAL TRIAL
COURT OF ALABEL, SARANGANI PROVINCE, BRANCH 38,
RESPONDENT.**

RESOLUTION

PERLAS-BERNABE, J.:

This administrative case arose from the letter^[1] dated March 15, 2011 of Executive Judge Jaime L. Infante (Judge Infante) of the Regional Trial Court of Alabel, Sarangani Province, Branch 38. (RTC), addressed to complainant the Office of the Court Administrator (OCA),^[2] inquiring about the employment status of respondent Sarah P. Ampong (Ampong), a Court Interpreter III of the said RTC since August 3, 1993. In the aforementioned letter, Judge Infante informed the OCA that despite Ampong's dismissal from service by the Civil Service Commission (CSC), which dismissal was affirmed by the Court, the RTC never received any official information or directive from the OCA on the matter. As such, Ampong remains employed in the RTC and has been continuously receiving all her monthly salary, benefits, allowances, and the like.

The Facts

Sometime in August 1994, the CSC instituted an administrative case against Ampong for Dishonesty, Grave Misconduct, and Conduct Prejudicial to the Best Interest of the Service for having impersonated or taken the November 1991 Civil Service Eligibility Examination for Teachers on behalf of one Evelyn B. Junio-Decir (Decir). On March 21, 1996, after Ampong herself admitted to having committed the charges against her, the CSC rendered a resolution^[3] dismissing her from service, imposing all accessory penalties attendant to such dismissal, and revoking her Professional Board Examination for Teachers (PBET) rating. Ampong moved for reconsideration on the ground that when the said administrative case was filed, she was already appointed to the judiciary; as such, she posited that the CSC no longer had any jurisdiction over her. Ampong's motion was later denied, thus, prompting her to file a petition for review before the Court of Appeals (CA).^[4]

On November 30, 2004, the CA denied Ampong's petition and affirmed her dismissal from service on the ground that she never raised the issue of jurisdiction until after the CSC ruled against her and, thus, she is estopped from assailing the same.^[5] Similarly, on August 26, 2008, the Court En Banc denied her petition for review on certiorari and, thus, affirmed her dismissal from service in G.R. No. 167916, entitled "*Sarah P. Ampong v. Civil Service Commission, CSC-Regional Office No. 11*"^[6]

(August 26, 2008 Decision).

Notwithstanding said Decision, the Financial Management Office (FMO) of the OCA, which did not receive any official directive regarding Ampong's dismissal, continued to release her salaries and allowances. However, in view of Judge Infante's letter notifying the OCA of such situation, the FMO issued a Memorandum^[7] dated September 7, 2011 informing the OCA that starting June 2011, it had started to withhold Ampong's salaries and allowances.^[8]

In her Comment^[9] dated September 25, 2012, Ampong prayed that the Court revisit its ruling in G.R. No. 167916 despite its finality because it might lead to unwarranted complications in its enforcement.^[10] Moreover, Ampong reiterated her argument that the CSC did not have any jurisdiction over the case against her.^[11]

The Action and Recommendation of the OCA

In a Memorandum^[12] dated March 27, 2013, the OCA recommended that Ampong be found guilty of Dishonesty for impersonating and taking the November 1991 Civil Service Eligibility Examination for Teachers in behalf of Decir and, thus, be dismissed from the service on the ground that she no longer possesses the appropriate eligibility required for her position, with forfeiture of retirement and other benefits except accrued leave credits and with perpetual disqualification from re-employment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution.^[13]

The OCA found that Ampong's act of impersonating and taking the November 1991 Civil Service Eligibility Examination for Teachers for and on behalf of another person indeed constitutes dishonesty, a grave offense which carries the corresponding penalty of dismissal from service. It added that the fact that the offense was not connected with her office or was committed prior to her appointment in the judiciary does not in any way exonerate her from administrative liability as an employee of the court.^[14]

Further, the OCA found that Ampong's appointment as Court Interpreter III did not divest the CSC of its inherent power to discipline employees from all branches and agencies of the government in order to protect the integrity of the civil service. Consequently, the CSC could validly impose the administrative penalty of dismissal against her, which carries with it that of cancellation of civil service eligibility, forfeiture of retirement benefits, and perpetual disqualification for re-employment in the government service, unless otherwise provided. In this relation, the OCA emphasized that the CSC ruling effectively stripped Ampong of her civil service eligibility and, hence, could no longer hold the position of Court Interpreter III.^[15]

The Issue Before the Court

The issue raised for the Court's resolution is whether or not Ampong had been dismissed from her employment as Court Interpreter III of the RTC.

The Court's Ruling

The Court resolves the issue in the affirmative.

As the records show, in the August 26, 2008 Decision, the Court had already held Ampong administratively liable for dishonesty in impersonating and taking the November 1991 Civil Service Eligibility Examination for Teachers on behalf of Decir, viz.:

The CSC found [Ampong] guilty of dishonesty. It is categorized as “an act which includes the procurement and/or use of fake/spurious civil service eligibility, the giving of assistance to ensure the commission or procurement of the same, *cheating, collusion, impersonation*, or any other anomalous act which amounts to any violation of the Civil Service examination.” **[Ampong] impersonated Decir in the PBET exam, to ensure that the latter would obtain a passing mark. By intentionally practicing a deception to secure a passing mark, their acts undeniably involve dishonesty.**

This Court has defined dishonesty as the “(d)isposition 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.” [Ampong’s] dishonest act as a civil servant renders her unfit to be a judicial employee. **Indeed, We take note that [Ampong] should not have been appointed as a judicial employee had this Court been made aware of the cheating that she committed in the civil service examinations. Be that as it may, [Ampong’s] present status as a judicial employee is not a hindrance to her getting the penalty she deserves.**^[16] (Emphases and underscoring supplied).

Notably, the Court also addressed Ampong’s misgivings on the issue of jurisdiction in the same case, viz.:

It is true that the CSC has administrative jurisdiction over the civil service. As defined under the Constitution and the Administrative Code, the civil service embraces every branch, agency, subdivision, and instrumentality of the government, and government-owned or controlled corporations. Pursuant to its administrative authority, the CSC is granted the power to “control, supervise, and coordinate the Civil Service examinations.” This authority grants to the CSC the right to take cognizance of any irregularity or anomaly connected with the examinations.

However, the Constitution provides that the Supreme Court is given exclusive administrative supervision over all courts and judicial personnel. By virtue of this power, it is only the Supreme Court that can oversee the judges’ and court personnel’s compliance with all laws, rules and regulations. It may take the proper administrative action against them if they commit any violation. No other branch of