

## EN BANC

**[ A.M. No. P-08-2531 (Formerly A.M. No. 08-7-220-MTCC), April 11, 2013 ]**

**CIVIL COMMISSION, SERVICE COMPLAINANT, VS. MERLE RAMONEDA-PITA, CLERK III, MUNICIPAL TRIAL COURT IN CITIES, DANAOK CITY. RESPONDENT.**

### DECISION

#### PER CURIAM:

This administrative case arose from a letter<sup>[1]</sup> dated June 23, 2006 by Director David E. Cabanag, Jr. of the Civil Service Commission (CSC) Regional Office No. VII calling the attention of the Office of the Court Administrator (OCA) to the continued employment of Merle Ramoneda-Pita (Ramoneda-Pita) as Clerk III of the Municipal Trial Court in Cities (MTCC), Danao City. It informed the OCA that in CSC Resolution No. 010263<sup>[2]</sup> dated January 26, 2001, Ramoneda-Pita was found guilty of dishonesty and dismissed from the service. As accessory penalties, she was perpetually barred from joining government service and her civil service eligibility was revoked. However, Ramoneda-Pita did not declare her ineligibility when she stated in her Personnel Data Sheet (PDS)<sup>[3]</sup> dated June 14, 2005 that she had never been involved in any administrative case and that she was civil service eligible.

The antecedent facts follow.

On March 23, 1998, an anonymous letter<sup>[4]</sup> informed the CSC of an alleged irregularity in the civil service eligibility of Ramoneda-Pita. The letter stated that the irregularity concerned Ramoneda-Pita's taking of the Career Service Sub-Professional Examination held in Cebu City on July 26, 1987.

The CSC retrieved the records for the July 26, 1987 examinations and compared the pictures and signatures of Ramoneda-Pita as they appeared in the Picture Seat Plan (PSP) for the exam and her PDS dated October 17, 1990. As the pictures and signatures did not match, the CSC required Ramoneda-Pita to explain why it seemed that another person took the civil service examination on her behalf.

Ramoneda-Pita denied that someone else took the civil service examinations in her stead. She averred that she took the civil service examinations on July 30, 1986 and not July 26, 1987. She explained that there were dissimilarities in the pictures in the PSP and the PDS because these were not taken on the same year and might have deteriorated in quality over the years. On the other hand, she accounted for the difference in her signatures to her low educational attainment leading to her non-development and non-maintenance of a usual signature.<sup>[5]</sup>

In its Investigation Report<sup>[6]</sup> dated May 3, 1999, the CSC made the following

observations and recommendation:

The person who actually took the Career Service Subprofessional Examination on July 26, 1987 in Cebu City, was the "Merle C. Ramoneda" whose picture and signature were affixed in the Admission Slip/Notice of Admission and in the Picture Seat Plan, is NOT the "Merle C. Ramoneda" whose picture and signature appear in the Personal Data Sheet dated October 17, 19[9]0 of the real Merle C. Ramoneda.

In view of the foregoing, considering that the evidence presented [is] substantial, it is recommended that respondent Merle C. Ramoneda be adjudged guilty of the charges and meted the penalty of dismissal with all its accessories.<sup>[7]</sup>

Thus, the CSC issued Resolution No. 010263 dated January 26, 2001 finding Ramoneda-Pita guilty of dishonesty, the dispositive portion of which reads as follows:

**WHEREFORE**, the Commission hereby finds Merle C. Ramoneda guilty of the offense of Dishonesty. Accordingly, the penalty of dismissal from the service with all its accessory penalties is imposed.

Since the respondent is not in the government service, the penalty of dismissal is deemed implemented. She is also perpetually barred from entering the government service and from taking any civil service examination in the future. Her Civil Service Sub-Professional Eligibility is likewise revoked.

Let a copy of this Resolution be furnished the Office of the Ombudsman-Visayas for whatever legal action it may take under the premises.<sup>[8]</sup>

Ramoneda-Pita moved for reconsideration but the CSC denied it in Resolution No. 010880<sup>[9]</sup> dated May 3, 2001.

Ramoneda-Pita appealed CSC Resolution Nos. 010263 and 010880 to the Court of Appeals and, subsequently, to this Court. In both instances, her appeal was denied.<sup>[10]</sup>

On January 14, 2005, Ramoneda-Pita wrote to then President Gloria Macapagal-Arroyo appealing for clemency stating that she accepted her fate and turned a new leaf with a solemn commitment to do good for the rest of her life. The Office of the President referred the matter to Director David Cabanag, Jr. of the CSC Regional Office No. VII for validation, verification and investigation.<sup>[11]</sup>

While the appeal for clemency was pending and in the course of the CSC's investigation, the CSC discovered that, again, Ramoneda-Pita had been declaring in her PDS, particularly the PDS dated June 14, 2005 submitted to the Supreme Court, that she had not been found guilty in any administrative case and that she was civil service eligible.<sup>[12]</sup>

Thus, on MAY 11, 2006, the CSC, in tis Investigation Report<sup>[13]</sup> pursuant to the

Office of the President's referral, found that Ramoneda-Pita had not sufficiently established moral reformation which is crucial in the grant of executive clemency. It recommended that the plea for executive clemency be denied.

On June 23, 2006, Director Cabanag, Jr. wrote a letter to the OCA informing it of the continued employment of Ramoneda-Pita as Clerk III of the MTCC, Danao City despite the finality of CSC Resolution No. 010263.

On August 18, 2006, the OCA required Ramoneda-Pita to submit her comment within fifteen (15) days.

In her Comment dated September 7, 2006, Ramoneda-Pita asserted that she never concealed that she had been previously found guilty of dishonesty. She claimed that her immediate supervisor, Judge Manuel D. Patalinghug, was furnished a copy of CSC Resolution No. 010263. She admitted having filed request for executive clemency with the Office of the President. In connection to this, she said that the CSC directed her to submit some documents needed for its processing. She explained that she made the entries in her June 14, 2005 PDS because she wanted to be consistent in her statements in her previous PDS and, considering her low education, she just copied the data entries contained in her earlier PDS. She said that it was never her intention to falsify the PDS and she did not understand the legal implications. She prayed for the Court's understanding and cited her good record during her years of service.

In its Report<sup>[14]</sup> dated July 4, 2008, the OCA recommended, among others, that the case be docketed as a regular administrative matter and that this Court conduct its own investigation on the matter.

This Court noted and adopted the recommendation of the OCA in a Resolution<sup>[15]</sup> dated August 6, 2008 where it directed the OCA to conduct its own investigation on the matter and submit a report and recommendation thereon.

Thus, this administrative case.

In its Memorandum<sup>[16]</sup> dated February 19, 2009, the OCA recommended Ramoneda-Pita's dismissal from the service. It found that Ramoneda-Pita fully participated in the proceedings before the CSC never once questioning its jurisdiction. It stated:

In the instant case, respondent Ramoneda-Pita, who never even questioned the jurisdiction of the CSC, fully participated in the proceedings before the CSC. Although she was not yet a Supreme Court employee when the CSC instituted the case against her, she had already become a member of the judiciary when Resolution No. 01-0263 dated January 26, 2001 finding her guilty and meting her the penalty of dismissal was issued - having been appointed by the Court to her present position on July 24, 2000. Her motion for reconsideration of the CSC Resolution was denied. The respondent then filed a petition for review before the Court of Appeals which affirmed the same Resolution. A petition for review on certiorari under Rule 45 was filed with the Supreme

Court which in its Resolution dated August 24, 2004 found no reversible error in the challenged decision of the Court of Appeals to warrant the exercise by the Court of its discretionary appellate jurisdiction in the case. Taking into consideration the pronouncement in the *Ampong* case, we believe that with all the more reason the doctrine of estoppel should thus be considered applicable in the instant case as the respondent went all the way to the Supreme Court to question the CSC Resolution. In addition, the Court itself has even ruled on the case, effectively upholding CSC Resolution No. 01-0263 when it explicitly stated that ***in any event, the petition would still be denied for failure thereof to sufficiently show that the public respondent committed any reversible error in the challenged decision as to warrant the exercise by this Court of its discretionary appellate jurisdiction in this case.***

x x x x

There lies the question as to how should respondent then be proceeded against with respect to her employment in the [J]udiciary. We deem that we cannot just implement CSC Resolution No. 01-0263 and dismiss the respondent outright. The Court still maintains its administrative jurisdiction over the respondent and should therefore have the final determination of her administrative liability.

Considering, however, that the CSC had already conducted both fact-finding and formal investigations, we find no reason why the Court should replicate what the CSC had done more ably.<sup>[17]</sup>

In support of its conclusion, the OCA cited *Ampong v. Civil Service Commission*, CSC-Regional Office No. 11<sup>[18]</sup> among others. Said the OCA:

The standard procedure is for the CSC to bring its complaint against a judicial employee before the Supreme Court through the OCA as shown in several cases. The Court, however, has made exceptions in certain cases. In the very recent case of *Ampong*, the Court, although it declared that it had administrative jurisdiction over the petitioner, nevertheless upheld the ruling of the CSC based on the principle of estoppel. In the said case, petitioner *Ampong*, a court interpreter at the time the CSC instituted administrative proceedings against her, questioned the jurisdiction of the CSC after it found her guilty of dishonesty in surreptitiously taking the CSC-supervised Professional Board Examination for Teachers (PBET) in 1991 in place of another person and dismissed her from the service. The Court denied the petition on the ground that the previous actions of petitioner estopped her from attacking the jurisdiction of the CSC which had accorded her due process.<sup>[19]</sup> (Citations omitted.)

The OCA then proceeded to discuss the merits of *Ramonedas-Pita's* contention. It noted *Ramonedas-Pita's* claim that her physical appearance changed over the intervening years since she took the Civil Service Sub- Professional Examinations. She also posed the possibility that the picture quality had deteriorated over time. In

addition, she also claims that the examiner must have interchanged her picture with someone else as he was the one who pasted the pictures to the seat plan.

However, the OCA seriously doubted the validity of Ramoneda-Pita's claim saying:

We do not think that a mere three-year gap would bring about drastic changes in a person's appearance. Besides, the respondent failed to substantiate her claims. She could have easily submitted additional evidence, such as pictures to show the gradual change in her appearance through the three-year period.<sup>[20]</sup>

On the confusion with respect to the pictures, the OCA said that it was not "likely due to the strict procedure followed during civil service examinations x x x."<sup>[21]</sup> Moreover, the OCA stated:

The presentation of various explanations and conjectures show the inconsistent stands taken by the respondent. She insists that the picture in the seat plan was her and that her physical appearance has changed over the years, yet in the same breath argues that the examiner must have interchanged her picture with the pictures of other examinees.

The same inconsistency is manifest in all her records. Upon the Court's resolution of her petition for review on certiorari, the respondent states in her letter dated January 14, 2005 addressed to President Arroyo that she fought hard to prove her innocence but had accepted her fate and **mistake, with the solemn commitment that she would never commit the same or similar mistake for the rest of her life.** x x x.

x x x x

The respondent has a string of dishonest acts which started when she had somebody impersonate her in taking the Civil Service Subprofessional examination. Upon the discovery of her deception, she embarked on a series of prevarications to cover it up, the most notable of which is the Personal Data Sheet dated April 5, 2000 she submitted to the Court as one of the supporting documents for her appointment to the judiciary. In the Personal Data Sheet, item no. 25 asks "Do you have any pending administrative case?" while item no. 27 queries "Have you ever been convicted of any administrative offense?" The respondent answered "no" to both questions. It must be remembered that at the time she filled out the Personal Data Sheet, she already had a pending administrative case, the CSC having already filed its formal charge on September 7, 1998. Her fraudulent answers had been instrumental in the unquestioned approval of her appointment because had she answered truthfully the Court would have been alerted to her pending administrative case with the CSC and would have surely withheld, if not denied, her appointment.

Taking judicial notice of the fact-finding and formal investigations