

## EN BANC

[ A.M. NO. SCC-08-11-P, June 18, 2013 ]

**CIVIL SERVICE COMMISSION, COMPLAINANT, VS. ISMAEL A. HADJI ALI, COURT STENOGRAPHER I, SHARI'A CIRCUIT COURT, TUBOD, LANA O DEL NORTE [FORMERLY A.M. NO. 04-9-03-SCC] (RE: FORMAL CHARGE BY THE CIVIL SERVICE COMMISSION VS. ISMAEL A. HADJI ALI, COURT STENOGRAPHER I, SHARI'A CIRCUIT COURT, TUBOD, LANA O DEL NORTE) RESPONDENT.**

### R E S O L U T I O N

#### PER CURIAM:

Before the Court is an administrative case for Dishonesty against respondent Ismael A. Hadji Ali, Court Stenographer I at the Shari'a Circuit Court of Tubod, Lanao del Norte.

In connection with the respondent's appointment as Court Stenographer I at the Tubod, Lanao del Norte Shari'a Circuit Court, Arturo S.J. Panaligan, Director II of the Civil Service Commission (referred here as the CSC) Field Office at the Supreme Court, sent a formal request on September 12, 2001 to Macybel Alfaro-Sahi, Director IV of the CSC Regional Office No. IX at Cabantagan, Zamboanga City, for the confirmation of respondent's civil service eligibility. Respondent had represented that he took and passed the Civil Service Professional Examination held on May 11, 2001 in Zamboanga City (referred here as the test).<sup>[1]</sup> The director received the following reply:<sup>[2]</sup>

Dear **Director Panaligan**:

This refers to your request for verification of the Career Service (Professional) eligibility of **Mr. ISMAEL A. HADJI ALI**, taken on May 11, 2000.

A perusal of the Picture Seat Plan (Copy enclosed for your reference) of the room where he took the examination reveals that his picture and signature are different from the one appearing in the Personal Data Sheet (PDS) attached to your request.

We therefore, do not confirm Mr. Hadji Ali's eligibility and shall take appropriate legal action against him.

Very truly yours,  
(Sgd.)  
**MACYBEL**

On July 6, 2004, respondent was charged with Dishonesty:<sup>[3]</sup>

**FORMAL CHARGE**

Sir:

After thorough preliminary investigation, this Office finds that a *prima facie* case of **Dishonesty** exists against you, committed as follows:

***That you (true Ismael A. Hadji Ali), knowingly and unlawfully allowed somebody else to take the 11 May 2000 Career Service Examination (Professional) through the Computer-Assisted Test given in Zamboanga City, for and in your behalf, as shown in the attached machine copies of the Picture Seat Plan used during the aforesaid examination and your Personal Data Sheet accomplished on 22 February 2000.***

**CONTRARY TO CIVIL SERVICE LAW AND RULES.**

x x x x

(Sgd.)  
**ROGELIO C.  
LIMARE**  
Director IV

The CSC furnished the Office of the Chief Justice (referred here as OCJ) with a copy of the formal charge docketed as CSC Administrative Case No. D-04-15.

In a 1<sup>st</sup> Indorsement dated August 31, 2004, the OCJ referred the formal charge to the Office of the Court Administrator (referred here as OCA) for appropriate action.

<sup>[4]</sup> The OCA docketed the charge as Administrative Matter No. 04-9-03-SCC, or *Civil Service Commission v. Ismael A. Ali*, and required respondent to file a Comment.<sup>[5]</sup>

In lieu of a Comment, respondent filed before the OCA a copy of the Answer<sup>[6]</sup> that he had submitted to the CSC Regional Office No. IX. He requested that it be treated as his Comment in Administrative Matter No. 04-9-03-SCC.<sup>[7]</sup>

Respondent denied he allowed another person to take the Civil Service Examination in his behalf. He insisted he himself took the test and obtained a passing grade of 86.76%. He pointed out that the test was supervised by CSC personnel and that before he was allowed to take the test, a supervisor had received and checked his

written application and supporting documents that included his identification photographs. While he admitted that his Personal Data Sheet contained his true photo, he insinuated that his "true" photo on the Picture Seat Plan for the test had been replaced with that of another person's.<sup>[8]</sup> He argued that the CSC was already estopped from questioning his Civil Service eligibility as it had confirmed and approved his appointment as Court Stenographer I.<sup>[9]</sup>

On the Recommendation of the OCA,<sup>[10]</sup> the Court referred the case to the Executive Judge of the Regional Trial Court of Zamboanga City for investigation, report, and recommendation. The Court further instructed the Executive Judge to require the CSC Regional Office No. IX to submit a report on its investigation in CSC Administrative Case No. D-04-15.<sup>[11]</sup>

Executive Judge Reynerio G. Estacio (referred here as Judge Estacio) set hearings on September 25, 2007; October 30, 2007; and November 27, 2007. Incidentally, he reported that the CSC no longer conducted an investigation in CSC Administrative Case No. D-04-15 on jurisdictional grounds.<sup>[12]</sup> During the hearings, Atty. Fitzgerald Robert Tan and Noemi Cunting of the CSC Regional Office No. IX appeared and testified for the CSC. Despite notice, respondent failed to appear.<sup>[13]</sup>

On June 30, 2008, the Court received Judge Estacio's Report and Recommendation.<sup>[14]</sup> The investigating judge found substantial evidence for respondent's dismissal from the service. He stated:

x x x x

It is clear that the picture of the person and signature appearing on the Picture Seat Plan (Exhibit "A," *Rollo*, p. 35) do not resemble the picture and signature of the respondent as appearing in his Personal Data Sheet (Exhibit "B" and "B-3," *Rollo*, pp. 36-37). And the respondent does not really dispute this fact more so, in light of his allegation and which respondent would want us to believe that the picture pasted on the Picture Seat Plan must have been replaced by someone who wanted him removed. However, the undersigned has carefully examined the Picture Seat Plan, particularly the picture appearing on the space provided for the respondent, and found no indication whatsoever that the same has been tampered. As with the pictures of other examinees pasted thereon, the picture pasted on the space provided for the respondent, was found by the undersigned, neatly intact.

According to Ms. Cunting, the Chief of the Examination Services Division, the examinees are the ones who paste their respective pictures on the Picture Seat Plan (TSN, November 27, 2007, p. 8). Before they allow them to take the examination, they have to accomplish among others, the attendance sheet and the picture seat plan and they have to paste their respective pictures on the Picture Seat Plan (TSN, November 27, 2007, pp. 5-6).

The conclusion therefore, [sic] is inescapable that contrary to the respondent's assertion that it was he who took the subject examination,