

EN BANC

[G.R. NO. 174693, August 31, 2007]

CIVIL SERVICE COMMISSION, PETITIONER, VS. DORINDA B. BUMOGAS, RESPONDENT.

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant Petition for Review on *Certiorari* assailing the Decision^[1] dated May 8, 2006 and Resolution dated September 14, 2006 of the Court of Appeals in CA-G.R. SP No. 89310, entitled "*Dorinda B. Bumogas v. Civil Service Commission.*"

Dorinda B. Bumogas, respondent, was the Municipal Treasurer of Penarrubia, Abra. She was promoted to said position when she made it to appear in her personal data sheet dated September 15, 1997 that she complied with the "college graduate" requirement for the position indicating therein that she graduated from the Abra Valley Colleges with the degree of Bachelor of Elementary Education. Attached to her personal data sheet was a copy of her transcript of records.

After her promotion, the Civil Service Commission-Cordillera Administrative Region (CSC-CAR) received a confidential information that respondent is not a college graduate and that her transcript of records is spurious.

In a letter dated October 27, 1997, the CSC-CAR requested the Abra Valley Colleges to authenticate respondent's transcript of records. However, the school did not act thereon.

On May 26, 1999, the CSC-CAR again sent a similar letter-request to the Abra Valley Colleges and at the same time, sought the assistance of the Commission on Higher Education-Cordillera Administrative Region (CHED-CAR) to ascertain the genuineness of respondent's transcript of records.

In a letter dated June 7, 1999, the CHED-CAR informed the CSC-CAR that such request for authentication of respondent's transcript of records should be addressed to the Abra Valley Colleges and that the Special Order No. 100225 appearing on her transcript of records could not be issued to respondent since the CHED-CAR's Special Order numbers for Bachelor of Elementary Education degree start with 211, not 2, thus:

This has reference to your communication, dated May 26, 1999, regarding the authenticity of the transcript of records and S.O. No. 2-100225, s. 1992, of Ms. Dorinda B. Bumogas.

As to the authenticity of the transcript of records (TOR), we suggest that

your office communicate this matter directly to the school Abra Valley College (AVC), as this office does not maintain files of TOR's issued by private schools like AVC.

As to the alleged Special Order (S.O.) number, please be informed that based on our records, the same has not been issued to Ms. Bumogas, and can never be issued to anyone because this Office's S.O. numbers for Bachelor of Elementary Education (BEEd) starts with **211**, and not only with 2."

On June 23, 2000, the Abra Valley Colleges finally informed the CSC-CAR that a copy of respondent's transcript of records could no longer be found because a fire razed the school's ground floor on April 28, 2000 resulting in the destruction of all its records.

On November 15, 2000, the CSC-CAR filed an administrative complaint for dishonesty and falsification of public document against respondent.

In her answer, respondent denied the charges. She alleged that she actually attended classes in the Abra Valley Colleges and graduated on March 31, 1992 with the degree of Bachelor of Elementary Education. She attached to her answer her official transcript of records and diploma issued by the Abra Valley Colleges. She further alleged that she has no participation in the issuance of Special Order No. 2-100225 appearing on her transcript of records or in the preparation of said transcript of records and diploma. These were the official acts of the Abra Valley Colleges.

On August 27, 2002, the CSC-CAR rendered Decision No. CAR 02-096 DC finding respondent guilty as charged and dismissing her from the service with all its accessory penalties, thus:

WHEREFORE, Dorinda B. Bumogas is hereby found GUILTY of Dishonesty and Falsification of Public Documents. Accordingly, she is meted out the penalty of dismissal from the service including all its accessory penalties.

Respondent filed a motion for reconsideration but it was denied by the CSC-CAR in its Decision No. CAR 02-121 DC dated December 10, 2002.

On appeal, the Civil Serviced Commission (CSC), herein petitioner, rendered Resolution No. 040280 dated March 18, 2004 affirming the Decision of the CSC-CAR. Respondent then filed a motion for reconsideration. However, it was denied by the CSC in Resolution No. 050280 dated February 28, 2005, prompting her to file with the Court of Appeals a petition for review.

In its Decision dated May 8, 2006, the appellate court reversed the CSC-CAR Decision and CSC Resolution and dismissed the administrative case against respondent, thus:

WHEREFORE, premises considered, the petition is hereby GRANTED and the assailed Decision No. CAR 02-096 DC of the Civil Service Commission-CAR dated August 27, 2002 dismissing petitioner Dorinda B. Bumogas from the service along with accessory penalties and the CSC-QC March 18, 2004 Resolution No. 040280, are hereby REVERSED and