

EN BANC

[G.R. NO. 165253, August 18, 2005]

CIVIL SERVICE COMMISSION, PETITIONER, VS. BERNABET A. MAALA, RESPONDENT.

DECISION

SANDOVAL-GUTIERREZ, J.:

At bar is the petition for review on *certiorari* filed by the Civil Service Commission (CSC) assailing the Decision^[1] dated April 6, 2004 of the Court of Appeals and its Resolution dated September 6, 2004 in CA-G.R. SP No. 49176, entitled "*BERNABET A. MAALA, petitioner, versus CIVIL SERVICE COMMISSION, respondent.*"

The facts are:

In July, 1990, Bernabet A. Maala, respondent, started working as a casual employee at the National Council for the Welfare of Disabled Persons (NCWDP), holding the position of clerk II.^[2]

Five years later or in June of 1995, respondent took the Social Worker Licensure Examination where she obtained a failing grade of 67.40%.^[3]

Sometime in October, 1995, respondent applied for the permanent position of clerk III at the same office. She stated in her Personal Data Sheet that she is a licensed social worker, having passed the June, 1995 Social Worker Licensure Examination with a passing rating of 76.25%. In support of her application, she submitted the following documents:

1. Certificate as a Social Worker dated August 18, 1995 issued by the Professional Regulation Commission (PRC);^[4]
2. Reconsideration Rating showing a passing grade of 76.25% in the Social Worker Licensure Examination;^[5]
3. Official Receipt for registration fee of P370.00 dated August 18, 1995;^[6]
4. PRC Board of Social Workers' Resolution No. 89, Series of 1995, issued on August 24, 1995, approving respondent's petition for reconsideration of her failed rating;^[7]
5. I.D. License;^[8] and
6. Oath of Office as social worker executed before a Notary Public on August 18, 1995.^[9]

Consequently, the NCWDP appointed respondent as clerk III effective December 1, 1995.^[10]

Later, Director Arnel G. Delmonte of the Civil Service Commission (CSC) Field Office, in his Memorandum dated April 12, 1996 addressed to the CSC National Capital Region, reported that respondent misrepresented herself as a registered social worker when she filed with the NCWDP an application for promotion as clerk III.^[11] This prompted the NCWDP to file with the CSC an administrative complaint against respondent, for dishonesty through falsification of official documents, docketed as Administrative Case No. 96-05-65,^[12] thus:

"That in support of your application for employment with the National Council for the Welfare of Disabled Persons, you claimed in your Personal Data Sheet that you are a licensed Social Worker, having passed the June, 1995 Social Worker Licensure Examination with the average of 76.25%. You also submitted spurious documents in support thereto. Accordingly, you were given an appointment as Clerk III at the aforementioned agency effective December 1, 1995. However, upon verification from the Professional Regulation Commission, it was found out that your name does not appear in the list of professionals, having obtained a failing grade of 67.4%. Such act is contrary to CS law, rules and regulations."

In her answer,^[13] respondent denied the charge, claiming that she acted in good faith and had no intent to commit any falsity. She explained that she was misled by one Armi Liquid into believing that she passed the Social Worker Licensure Examination. Her answer reads in part:

"After my graduation in June, 1995, I took the Social Worker Licensure Examination where I obtained the grade of 67.40%.

Sometime in July of the same year, a lady, riding a red late model Mitsubishi-Lancer car with Plate No. ADB 261, stopped by our house at Butong, Taal, Batangas. She introduced herself as Armi Liquid looking for clients who would like to avail of her services. She asked me whether I am Bernabet Maala and after answering in the affirmative and engaging in a brief conversation, represented that she is well-verse in the procedure of asking for a re-checking of examination papers in this Honorable Commission and in asking for a reconsideration of examinees who failed the examination, particularly those who nearly reached the passing grade. When asked as to how much is her professional fee, she said her fee is P15,000.00 payable only if she is successful in her undertaking.

There being nothing wrong nor illegal in asking for a re-checking of my examination papers, nor in asking for a reconsideration of my failing mark as it is only a question of less than 3% to reach the passing grade to obtain my license, and I have nothing to pay if she will not be successful, I agreed to retain the services of Ms. Armi Liquid. We agreed to meet in Manila. She gave her address at No. 4 Madiac St., Quezon City and her telephone No. 60-61-12 to contact her.

In one of our meetings, she made me sign a petition addressed to this Honorable Civil Service Commission. After several meetings, she intimated that this Commission has granted my petition and asked for copies of my photographs and the amount of P5,000.00 as advance payment of her fee, allegedly to defray the expenses in the registration of my license and others.

Finally, in our meeting in August 18, 1995, she presented to me my certificate as a Social Worker allegedly issued by this Commission (photocopy is attached as Annex "1"); the reconsidered rating (Annex "2"); the official receipt for P370.00 (Annex "3"); the Board Resolution on the Petition for Reconsideration (Annex "4"); and my I.D. License (Annex "5"). She also accompanied me to a Notary Public where I was made to accomplish and subscribe to an oath of office as Social Worker (Annex "6"), after which she collected the P10,000.00 balance of her professional fee.

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The foregoing facts and circumstances constituted the true and actual events that transpired leading me to believe that I actually passed the licensure examination. I never intend to commit any falsification or to use any falsified document, nor to be dishonest because I am a God-fearing person and my honor is the only treasure that I possess in this earth.

x x x, it is respectfully and humbly submitted that I should be exonerated from the charges of dishonesty and falsification of official documents because when I submitted these documents for purposes of employment, which turned out to be spurious, I was in good faith. One cannot be dishonest and one cannot commit the offense of falsification if she does not have the intention to be dishonest and to commit the same."

After conducting an investigation, the CSC issued Resolution No. 981365 dated June 3, 1998^[14] finding respondent guilty of dishonesty through falsification of official documents and imposing upon her the penalty of dismissal from the service with all its accessory penalties, including perpetual disqualification from holding public office and from taking future government examinations.

Respondent filed a motion for reconsideration but was denied by the CSC in its Resolution No. 982321 dated September 3, 1998.^[15] She then filed with the Court of Appeals a petition for review, docketed as CA-G.R. SP No. 49176.

On April 6, 2004, the Appellate Court rendered its Decision,^[16] now being assailed, reversing the twin Resolutions of petitioner CSC. The dispositive portion of the Decision reads:

"WHEREFORE, the petition is GRANTED. The Resolutions dated June 3, 1998 and September 3, 1998 of the Civil Service Commission are REVERSED and SET ASIDE. Petitioner Bernabet A. Maala is exonerated of the administrative charges of Dishonesty and Falsification of Official Documents. However, she cannot continue in her employment due to lack

of civil service eligibility.
SO ORDERED."

In exonerating respondent, the Court of Appeals sustained her defense of good faith, thus:

"We are inclined to give weight to petitioner's (now respondent) assertions that she had no knowledge of the untruthful character of her statements concerning the grade she obtained in the Social Workers' Licensure Examination at the time she accomplished the Personal Data Sheet for her application to a permanent position in the NCWDP. Petitioner obviously committed the falsity only by reason of her reliance on the representations of one Armi Liquid that her licensure ratings had been favorably reconsidered by the Board of Social Workers from the previous 67.4% failing grade to the passing rating of 76.25%. Armi Liquid's fraudulent scheme completely deceived petitioner since she was furnished with apparently genuine documents and was conducted through the seemingly legitimate act of appearing before a notary public to take her oath.

Clearly then, petitioner's actions were done in good faith under the belief that it was by reason of the Board's favorable reconsideration of her previous examination rating that she finally acquired her license as a social worker.

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Admittedly, the falsity was committed by reason of petitioner's own gullibility and misplaced trust, relying upon the assurances of a complete stranger. Certainly, petitioner allowed herself to be a victim of an unscrupulous individual. This fact, however, does not totally negate the presence of good faith for, as a general rule, ignorance or mistake as to particular facts, honest and real, will exempt the doer from felonious responsibility (*Lecaroz vs. Sandiganbayan*, 305 SCRA 396). In the instant case, there are clear manifestations of good faith and lack of criminal intent on the part of petitioner. The applicable maxim is "*actus non facit reum, nisi mens rea* - a crime is not committed if the mind of the person performing the act complained of is innocent" (*Amora, Jr. vs. Court of Appeals*, 115 SCRA 388, citing *U.S. vs. Catolico*, 18 Phil. 504)."

[17] (Underscoring supplied)

Petitioner's motion for reconsideration was denied by the Appellate Court in its Resolution dated September 6, 2004.^[18]

Thus, the instant recourse.

Petitioner contends that the Court of Appeals erred in finding that respondent acted in good faith and, therefore, cannot be held administratively liable for dishonesty.

Respondent counters that she acted in good faith as she was convinced that the PRC Board of Social Workers had indeed reconsidered her previous examination rating, thus enabling her to acquire a license as a social worker. She submits that she was a