

EN BANC

[G.R. NO. 154521, September 30, 2005]

CIVIL SERVICE COMMISSION, PETITIONER, VS. JULIANA E. LEDESMA, RESPONDENT.

DECISION

CARPIO, J.:

The Case

Before this Court is a petition for review^[1] assailing the Decision^[2] of 31 July 2002 of the Court of Appeals. The appellate court modified the Civil Service Commission's ("CSC") Resolutions No. 001251^[3] and No. 002748,^[4] dated 24 May 2000 and 11 December 2000, respectively. The CSC found Juliana E. Ledesma ("Ledesma") guilty of grave misconduct, dishonesty and conduct prejudicial to the best interest of the service, and dismissed her from the service. The Court of Appeals found Ledesma guilty of simple misconduct only, and suspended her for six months.

Antecedent Facts

Ledesma is a Clerk III at the Records Section of the Bureau of Immigration ("Bureau"). She has been with the Bureau for more than 32 years. Rank-and-file employees of the Bureau elected Ledesma to chair their union, *Buklod ng mga Kawani ng CID* ("*Buklod*"), for three consecutive terms.

On 20 March 1999, a Saturday, Tsai I Hau, also known as Steve Tsai, and his sister, Tsai Ching Yi ("Ching Tsai"), executed complaint-affidavits against Ledesma. The Tsai siblings ("complainants") are Taiwanese nationals who were studying in the country at the time. Both complaint-affidavits were sworn before Assistant City Prosecutor Henry B. Icaay ("Prosecutor Icaay"), the prosecuting officer detailed to the Bureau at the time.

In his affidavit,^[5] Steve Tsai attested that on 15 March 1999 he went to the Bureau to seek Ledesma's assistance in securing Emigrant Certificate Clearances ("ECCs") for him and Ching Tsai. He gave their passports and P3,000 to Ledesma. Steve Tsai claimed that Ledesma has helped him obtain ECCs for the previous three years. He usually paid P1,500 for each ECC. He knew that out of the amount Ledesma kept P200 to P300 as a "service charge."^[6]

According to Steve Tsai, Ledesma instructed him to return for the ECCs on 17 March 1999, a Wednesday. However, Ledesma did not give him the ECCs on that date. Steve Tsai informed Ledesma that he and his sister were leaving for a vacation that Friday. Ledesma replied that he should return the next day, but when he did, she was still unable to produce the requested documents. On Friday, 19 March 1999, Ledesma gave Steve Tsai the ECCs but did not return their passports.

Ching Tsai's affidavit^[7] mostly repeated her brother's allegations. On 15 March 1999, she gave Steve Tsai P1,500 and her passport because he was meeting Ledesma. On 18 March 1999, Ching Tsai accompanied her brother to see Ledesma, but to no avail. The next day, Steve Tsai received their ECCs but not their passports, with the result that the complainants were not able to leave the country for their planned vacation.

On 23 March 1999, complainants jointly executed a supplemental affidavit^[8] attesting that they confronted Ledesma about their missing passports in the presence of Associate Commissioner Alan Roullo Yap ("Associate Commissioner Yap"). The confrontation took place while Associate Commissioner Yap was conducting an ocular inspection of the Records Section and a re-enactment of Steve Tsai's "break-in"^[9] into the office. Ledesma denied that she was in possession of complainants' passports. Complainants' supplemental affidavit was also sworn before Prosecutor Icaý.

An administrative case was filed against Ledesma based on complainants' affidavits. In a memorandum dated 12 April 1999, the Bureau directed Ledesma to submit a verified answer to the complaint-affidavits.

On 16 April 1999, Ledesma filed a Queries/Bill of Particulars seeking a ten-day extension to file her answer. Ledesma argued that the complaint-affidavits did not charge her with any offense, and requested that the Department of Justice ("DOJ") investigate her case. Ledesma believed that the Bureau would not be impartial because of her conflict with then Commissioner Rufus B. Rodriguez ("Commissioner Rodriguez"). Commissioner Rodriguez refused to recognize the promotion of 132 Bureau employees, including Ledesma. The Bureau's Promotion and Selection Board approved these 132 promotions a few months before Commissioner Rodriguez was appointed as head of the Bureau in 1988.

Associate Commissioner Yap issued a Resolution and Notice of Formal Investigation on 19 April 1999. The Resolution assured Ledesma of a fair investigation and granted her an additional forty-eight hours to submit a verified explanation to the charges. It also notified Ledesma that the formal hearing of her administrative case would be conducted in the office of Associate Commissioner Yap on 23 April 1999.

Ledesma appealed Associate Commissioner Yap's Resolution to the DOJ on 22 April 1999. Ledesma failed to appear at the scheduled hearing before Associate Commissioner Yap, and neglected to submit a verified explanation. Associate Commissioner Yap placed Ledesma under preventive suspension.

On 4 June 1999, Acting Commissioner Ma. Luisa Ylagan-Cortez rendered a Decision^[10] ("Bureau's Decision") finding Ledesma guilty of dishonesty and grave misconduct prejudicial to the best interest of the service. The Bureau's Decision meted Ledesma with the penalties of dismissal, disqualification from re-entry into the service, and forfeiture of all benefits and emoluments. Ledesma assailed the Bureau's Decision before the DOJ. On 16 August 1999, the DOJ dismissed the appeal and affirmed the Bureau's Decision.

Ledesma appealed to the CSC. In her appeal memorandum,^[11] Ledesma claimed

that: (1) she asked Steve Tsai only for the amount lawfully required; (2) the extra amount complainants voluntarily gave was what the travel agent had requested for her assistance; and (3) complainants, particularly Steve Tsai, executed their affidavits under questionable circumstances. Ledesma also explained that she did not appear at the 23 April 1999 hearing because her appeal from Associate Commissioner Yap's Resolution was pending before the DOJ.

The Ruling of the Civil Service Commission

On 24 May 2000, the CSC issued Resolution No. 001251 dismissing Ledesma's appeal. The CSC pointed out that while Ledesma admitted receiving P3,000 from Steve Tsai, there was no proof that she later gave the money to a travel agent. The CSC also ruled that Ledesma was guilty of concealment or dishonesty when she did not explain to Steve Tsai that he was paying more than the required fees. The dispositive portion of Resolution No. 001251 reads:

WHEREFORE, the appeal of Juliana E. Ledesma is dismissed. Accordingly, the decision dated August 16, 1999 of the Secretary of the Department of Justice, affirming the decision of the Bureau of Immigration dated June 4, 1999 finding her guilty of Dishonesty, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service and for which she is meted out the penalty of dismissal from the service, with its accessory penalties, stands.^[12]

Ledesma filed a motion for reconsideration and then a supplemental motion for reconsideration. She attached to the latter a so-called Sworn Statement^[13] ("Leonor's statement") from a Lilian Leonor ("Leonor"). Ledesma claimed that she had just received Leonor's statement by registered mail.

According to Leonor's statement, Ledesma merely referred Steve Tsai to Leonor, who was one of the Liaison Officers accredited by the Bureau. On 15 March 1999, in the presence of Steve Tsai, Ledesma handed complainants' passports, documents and P3,000 to Leonor. Leonor secured the ECCs and proceeded to the Records Section on Friday, 19 March 1999. Once there, Leonor discovered that she had left complainants' passports in another folder. Leonor left a message for Ledesma, who was not around, that she would return with complainants' passports on "the next working day." However, when she heard that Steve Tsai had been caught breaking into the Records Section, Leonor decided to stay away from the Bureau. Leonor came forward only when she found out that Ledesma was being dismissed from the Bureau.

The CSC gave scant consideration to Leonor's statement. The CSC noted that Leonor was not a government employee or a party to the case, and that Ledesma had never mentioned Leonor's name in her appeal memorandum or first motion for reconsideration. Given its late introduction, the CSC found Leonor's statement highly doubtful.

In its Resolution No. 002748 dated 11 December 2000, the CSC denied Ledesma's motion for reconsideration and affirmed Resolution No. 001251.

The Ruling of the Court of Appeals

On appeal, the Court of Appeals took cognizance of Leonor's statement and the conflict between Ledesma and Commissioner Rodriguez. Taking Ledesma's three decades of previously unblemished service and the circumstances of the case into account, the appellate court held that there was insufficient proof that Ledesma acted with corrupt intention or willful intent to violate the law or established rules.

The Court of Appeals found Ledesma guilty of simple misconduct only, thus:

Considering that petitioner Ledesma served the government for more than thirty (30) years with an untarnished record of service and evidence show[s] that petitioner had not previously or persistently committed acts inimical to government service, the act committed by petitioner may be classified as simple misconduct. Thus, the penalty commensurate thereof would be six (6) months suspension without pay.

WHEREFORE, the assailed resolutions are hereby AFFIRMED with MODIFICATION in that she is found guilty of simple misconduct. Petitioner Ledesma is therefore penalized to suffer a suspension from the service without pay for six (6) months. However, since petitioner has been out of the service for more than six months, she is therefore ordered REINSTATED immediately.

Accordingly, petitioner Ledesma is entitled to payment of backwages from the time she was dismissed from the service, commencing from the time she has deemed served the aforesaid six (6) months suspension up to the time of her actual reinstatement.^[14]

Dissatisfied, the CSC elevated the Court of Appeals' Decision of 31 July 2002 to this Court. Ledesma did not appeal. She returned to work in the Bureau pursuant to the Decision of the Court of Appeals.

The Issue

The CSC's sole assignment of error reads:

THE COURT OF APPEALS ERRED ON A QUESTION OF LAW IN AFFIRMING THE JUDGMENT OF PETITIONER AND AT THE SAME TIME DOWNGRADING THE OFFENSE COMMITTED BY RESPONDENT FROM GRAVE MISCONDUCT TO SIMPLE MISCONDUCT BECAUSE OF HER LENGTH OF SERVICE AND THE SUPPOSED ABSENCE OF A CORRUPT INTENTION TO VIOLATE THE LAW.^[15]

The CSC also scored the Court of Appeals' supposed failure to rule on whether respondent committed the administrative offense of dishonesty.

The Ruling of the Court

The petition lacks merit.

Whether the Decision of the Court of Appeals Violated Ledesma's Constitutional Right to Due Process

The CSC's contention that the Court of Appeals failed to rule on the charge of dishonesty and violated Section 14, Article VIII of the Constitution^[16] is without basis.

The Decision of the Court of Appeals states:

Petitioner is not innocent of any misconduct and We agree with public respondent CSC that there are substantial evidence to prove her guilt, not of dishonesty, grave misconduct and conduct prejudicial to the best interest of the service but simple misconduct.^[17]

Clearly, the Court of Appeals did not simply ignore the charge of dishonesty, as the CSC alleges. Rather, the appellate court found that the evidence did not support the charges enumerated, including that of dishonesty. The appellate court appreciated the evidence presented and the facts of the case differently from the CSC. The Court of Appeals discussed at length in its 15-page Decision the factual and legal basis for its verdict of simple misconduct. The appellate court Decision thus sufficiently complied with Section 14, Article VIII of the Constitution, which requires only that a court's decision be clear on why either party prevailed under the law applicable to the facts as proved.^[18] The constitutional provision does not require a point-by-point refutation of the CSC's Resolutions so long as the basis for the Court of Appeals' decision modifying the former is clear.

The records support the appellate court's finding that Steve Tsai knowingly paid more than the required ECC fees. Steve Tsai stated in his affidavit that he knew he was paying P200 or P300 more than the necessary fees.^[19] There is no basis in finding that Ledesma "concealed" this fact from Steve Tsai to mislead him into paying more money.

The CSC next argues that the Court of Appeals erred in finding Ledesma guilty of simple misconduct when the charge against her was for grave misconduct. Citing **Civil Service Commission v. Lucas**,^[20] the CSC posits that a person charged with grave misconduct cannot be convicted of simple misconduct because the two are distinct and separate offenses.

This argument ignores prevailing jurisprudence and misapplies the Court's ruling in **Lucas**. In that case, the CSC found Lucas guilty of grave misconduct though the charge against him was for simple misconduct only. The Court held that the CSC's verdict in **Lucas** violated the basic requirements of due process. The Court ruled that even in an administrative proceeding Lucas had the right to be informed of the charges against him, as well as the right not to be convicted of an offense for which he was not charged.^[21]

Misconduct is "a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer."^[22] The misconduct is grave if it involves any of the *additional* elements of corruption, willful intent to violate the law or to disregard established rules, which must be established by substantial evidence.^[23] Otherwise, the misconduct is only simple. A person charged with grave misconduct may be held liable for simple misconduct if the misconduct does not involve any of the additional elements to qualify the