

FIRST DIVISION

[G.R. No. 148445, February 16, 2004]

**ABELARDO V. SEVILLA, PETITIONER, VS. LORMA F. GOCON,
RESPONDENT.**

D E C I S I O N

PANGANIBAN, J.:

For his failure to observe and promote a high standard of ethics, petitioner may be held liable for violation of the Ethical Standards Law and administratively sanctioned therefor.

The Case

Before the Court is a Petition for Review^[1] under Rule 45 of the Rules of Court, seeking to set aside the November 17, 2000 Decision^[2] of the Court of Appeals (CA) in CA-GR SP No. 57369. The dispositive part of the Decision reads:

“WHEREFORE, the petition is DENIED for lack of merit. We affirm the Resolutions of the Civil Service Commission. Costs against petitioners.”
^[3]

The Civil Service Commission Resolution,^[4] upheld by the CA, had disposed as follows:

“WHEREFORE, Abelardo V. Sevilla and Godofredo M. Limbo are hereby found guilty of Dishonesty. Accordingly, they are meted out the penalty of dismissal from the service with all its accessory penalties.

“Let a copy of this Resolution be furnished the Office of the Ombudsman for whatever criminal action it may take under the premises.”^[5]

The Facts

The CA summarized the facts in this manner:

“The present controversy has its origin in the complaint filed by Lorma F. Gocon on October 14, 1997 with the Civil Service Commission (CSC) charging Abelardo V. Sevilla and Godofredo M. Limbo of falsification of official document, dishonesty and conduct prejudicial to the best interest of the service.

“Limbo filed his Comments on the complaint on November 17, 1997. Sevilla filed his Answer on December 4, 1997.

“The facts as found by the CSC are as follows:

'As appearing from the records, Gocon, Guidance Counselor III, was designated as Chairman of the Values Education Department in 1989. On the other hand, Limbo was a former Head Teacher III in the Practical Arts Department [of the Quezon National High School in Lucena City].

'Records reveal that Respondent Sevilla, in a letter dated December 9, 1993 to the Regional Director, Department of Budget and Management, requested for the reclassification of eight (8) items of Secondary Head Teacher III to Secondary Head Teacher VI. Apparently, said request contains super impositions/erasures, specifically item 7, wherein the Practical Arts Department was replaced to Values Department with Godofredo Limbo as the alleged Secondary Head Teacher (Head Teacher III) thereof with 28 teachers under his supervision when in truth he was the Head Teacher of the Practical Arts Department which was later merged with the Home Economics Department. By virtue of this representation, Limbo was issued an appointment as Head Teacher VI for Values Education on November 16, 1994.

'On October 25, 1996, Respondent Sevilla, in his capacity as Principal IV, requested the Office of the Regional Director, DECS Region IV, for the upgrading of Gocon's position of Guidance Counselor III to Head Teacher VI for Values Education. In said request, Sevilla represented as follows:

'This request is being made so that the Values Education Department of Quezon National High School will have its own Head Teacher. This Department has been supervised for almost eight (8) years since the implementation of the New Secondary Education Curriculum by the incumbent Chairman. In this connection, the undersigned would like to strongly recommend that Values Education Department be given a regular Head Teacher Position for the following reasons:

'x x x

x x x

x x x'

'On March 25, 1997, Assistant Secretary Josefina Nisperos of the Department of Education, Culture and Sports denied the aforesaid request.

'Sometime in May, 1997, Gocon discovered that Limbo was appointed as Head Teacher VI for Values Education on November 16, 1994. When asked about said appointment, Sevilla explained to Gocon that Limbo was temporarily designated as Head Teacher for Values Education so that all Head Teacher items would be reclassified by DECS Regional Office IV.

'Dissatisfied with the explanation of Sevilla, Gocon filed a complaint and requested the intercession of the then DECS Secretary Ricardo T. Gloria

regarding the matter.

'In a letter dated June 20, 1997 to the Regional Director, DECS Region IV, Sevilla explained as follows:

'Mr. Godofredo Limbo the Vocational Dept. Head III was one of those Head Teacher III whose item was upgraded to Head Teacher VI in 1994. The undersigned acceded to the suggestion of Mr. Leovigildo Arellano, Chief, Management Division, DECS to temporarily designate Mr. Limbo's item as Values item for purposes of upgrading the item or else the upgrading of all the Head Teacher III item to Head Teacher VI could not be favorably acted upon and approved.'

'However, in a First Indorsement dated July 15, 1997 to the Director IV, DECS Region IV, Leovigildo Arellano, Chief, Management Division, DECS claimed among others, as follows:

'I strongly deny the allegation of Mr. Sevilla that I suggested to him to 'temporarily designate Mr. Limbo's appointment item as Values item...' I do not know personally Mr. Sevilla, hence, I have no reason to make such suggestion to him knowing that such act is a clear falsification of public documents. And I do not remember having met him.'

'In their Memorandum, Limbo acknowledged that he was the one who made alterations in the December 9, 1993 request for reclassification. He stressed, however, that he initialed all the corrections he made to show that he was in good faith in doing so and that he acted upon the suggestion of Monina Belen, as staff of Leovigildo Arellano at the DECS Management Division.'

"In her complaint with the CSC, complainant imputes upon Sevilla: 1) the act of misrepresentation amounting to dishonesty and falsification of official document for representing to the DECS in the letter dated December 9, 1993 that Limbo was Head Teacher III for the Values Education Department and was supervising 28 Values Education teachers when in fact he was appointed Head Teacher for Practical Arts (Boys) and was performing the function of such position; 2) grave misconduct for allowing Limbo to use the item for Head Teacher VI and claiming that he acceded to the suggestion of Mr. Arellano for the temporary use of the said item who denied having done so; and 3) conduct grossly prejudicial to the best interest of the service for concealing Limbo's appointment deceiving complainant into thinking that she was being recommended for Head Teacher VI and causing resentment to faculty members of QNHS; and upon Limbo the act of dishonesty and grave misconduct for conniving with Sevilla in representing himself as Head Teacher for Values Education and knowingly and deliberately accepting his appointment as Head Teacher VI knowing that he was not qualified for the position and for allowing complainant to continue acting as Chairman of the Values

Education Department despite his appointment.

"Complainant likewise filed a complaint with the Office of the Deputy Ombudsman for Luzon for violation of the Anti-Graft Law and Article 171 of the Revised Penal Code for falsification of official documents. Criminal Case No. 98-757 for falsification of official documents was filed against Sevilla and Limbo with the Regional Trial Court, Branch 53, Lucena City which however dismissed the case for lack of jurisdiction on October 20, 1999.

"In the CSC case, respondents Sevilla and Limbo were formally charged on February 11, 1998 by the Civil Service Commission Regional Office No. IV of falsification of official documents, dishonesty and conduct prejudicial to the best interest of the service.

"Hearings were conducted and the parties presented their respective evidence. Thereafter, complainant and respondents filed their respective memoranda on December 16, 1998 and December 15, 1998.

"Meanwhile, in his letter to Gocon dated May 12, 1998, Sevilla relieved Gocon as Chairman of the Values Education Department.

"On November 17, 1999, the CSC issued Resolution No. 992559, to wit:

'WHEREFORE, Abelardo V. Sevilla and Godofredo M. Limbo are hereby found guilty of Dishonesty. Accordingly, they are meted out the penalty of dismissal from the service with all its accessory penalties.'

concluding that Sevilla's knowledge of the alterations in the December 9, 1993 request for reclassification of eight (8) Head Teacher III positions to Head Teacher VI can be inferred from his letter dated June 20, 1997 and hence, Sevilla made a misrepresentation of fact in his letter dated October 25, 1996 when he requested for the upgrading of complainant's position to Head Teacher VI."^[6]

Ruling of the Court of Appeals

The CA found that Godofredo Limbo himself had made the alterations in the letter-request dated December 9, 1993, specifying that he was Head Teacher III of the Values Department. It also found that petitioner had "agreed to the idea of letting x x x Limbo use the item for values education in order to facilitate the approval of the upgrading of Head Teacher III items to Head Teacher VI. Petitioner Sevilla allowed x x x Limbo to misrepresent himself to be qualified to head the Values Department." Hence, the appellate court faulted petitioner for having committed an act of dishonesty.

The CA also found that the appointment of Limbo as Head Teacher VI for values education had been concealed by him and petitioner from respondent and the rest of the Quezon National High School (QNHS) faculty members. It thus ruled that "[n]o logical conclusion can be deduced from the above circumstances other than that they were part of the dishonesty committed by [petitioner]."