

EN BANC

[G.R. No. 132164, October 19, 2004]

CIVIL SERVICE COMMISSION, PETITIONER, VS. ALLYSON BELAGAN, RESPONDENT.

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

When the credibility of a witness is sought to be impeached by proof of his reputation, it is necessary that the reputation shown should be that which existed before the occurrence of the circumstances out of which the litigation arose,^[1] or at the time of the trial and prior thereto, but not at a period remote from the commencement of the suit.^[2] This is because a person of derogatory character or reputation can still change or reform himself.

For our resolution is the petition for review on *certiorari* of the Court of Appeals' Decision^[3] dated January 8, 1998, in CA-G.R. SP. No. 44180, the dispositive portion of which reads:

"WHEREFORE, Resolution No. 966213 dated September 23, 1996 and Resolution No. 972423 dated April 11, 1997 of the respondent Civil Service Commission are hereby set aside. The complaint against petitioner Allyson Belagan filed by Magdalena Gapuz is hereby **DISMISSED**.

The dismissal of petitioner Belagan is lifted and he is hereby ordered to be immediately reinstated to his position without loss of seniority, retirement, backwages and other rights and benefits.

SO ORDERED."

The instant case stemmed from two (2) separate complaints filed respectively by Magdalena Gapuz, founder/directress of the "Mother and Child Learning Center," and Ligaya Annawi, a public school teacher at Fort Del Pilar Elementary School, against respondent Dr. Allyson Belagan, Superintendent of the Department of Education, Culture and Sports (DECS), all from Baguio City. Magdalena charged respondent with sexual indignities and harassment, while Ligaya accused him of sexual harassment and various malfeasances.

Magdalena's sworn complaint alleges that sometime in March 1994, she filed an application with the DECS Office in Baguio City for a permit to operate a pre-school. One of the requisites for the issuance of the permit was the inspection of the school premises by the DECS Division Office. Since the officer assigned to conduct the inspection was not present, respondent volunteered his services. Sometime in June 1994, respondent and complainant visited the school. In the course of the

inspection, while both were descending the stairs of the second floor, respondent suddenly placed his arms around her shoulders and kissed her cheek. Dumbfounded, she muttered, "*Sir, is this part of the inspection? Pati ba naman kayo sa DECS wala ng values?*" Respondent merely sheepishly smiled. At that time, there were no other people in the area.

Fearful that her application might be jeopardized and that her husband might harm respondent, Magdalena just kept quiet.

Several days later, Magdalena went to the DECS Division Office and asked respondent, "*Sir, kumusta yung application ko?*" His reply was "*Mag-date muna tayo.*" She declined, explaining that she is married. She then left and reported the matter to DECS Assistant Superintendent Peter Ngabit.

Magdalena never returned to the DECS Division Office to follow up her application. However, she was forced to reveal the incidents to her husband when he asked why the permit has not yet been released. Thereupon, they went to the office of the respondent. He merely denied having a personal relationship with Magdalena.

Thereafter, respondent forwarded to the DECS Regional Director his recommendation to approve Magdalena's application for a permit to operate a pre-school.

Sometime in September 1994, Magdalena read from a local newspaper that certain female employees of the DECS in Baguio City were charging a high-ranking DECS official with sexual harassment. Upon inquiry, she learned that the official being complained of was respondent. She then wrote a letter-complaint for sexual indignities and harassment to former DECS Secretary Ricardo Gloria.

On October 4, 1994, respondent was placed under suspension.

On the part of Ligaya Annawi, she alleged in her complaint that on four separate occasions, respondent touched her breasts, kissed her cheek, touched her groins, embraced her from behind and pulled her close to him, his organ pressing the lower part of her back.

Ligaya also charged respondent with: **(1)** delaying the payment of the teachers' salaries; **(2)** failing to release the pay differentials of substitute teachers; **(3)** willfully refusing to release the teachers' uniforms, proportionate allowances and productivity pay; and **(4)** failing to constitute the Selection and Promotion Board, as required by the DECS rules and regulations.

The DECS conducted a joint investigation of the complaints of Magdalena and Ligaya. In his defense, respondent denied their charge of sexual harassment. However, he presented evidence to disprove Ligaya's imputation of dereliction of duty.

On January 9, 1995, the DECS Secretary rendered a Joint Decision^[4] finding respondent guilty of four (4) counts of sexual "indignities or harassments" committed against Ligaya; and two (2) counts of "sexual advances or indignities" against Magdalena. He was ordered dismissed from the service. The dispositive portion of the Joint Decision reads:

"WHEREFORE, foregoing disquisitions duly considered, decision is hereby rendered in the two above-entitled cases, finding:

- a) Respondent Dr. Allyson Belagan, Superintendent of the DECS Baguio City Schools Division **GUILTY** of the four counts of sexual indignities or harassments committed against the person and honor of complainant Miss Ligaya Annawi, a Baguio City public school teacher, while in the performance of his official duties and taking advantage of his office. He is, however, **ABSOLVED** of all the other charges of administrative malfeasance or dereliction of duty.
- b) Respondent Baguio City Superintendent Allyson Belagan likewise **GUILTY** of the two counts of sexual advances or indignities committed against the person and honor of complainant Mrs. Magdalena Gapuz, a private school teacher of Baguio City, while in the performance of his official duties and taking advantage of his office.

Consequently, respondent **Allyson Belagan is HEREBY ORDERED DISMISSED** from the government service, with prejudice to reinstatement and all his retirement benefits and other remunerations due him are **HEREBY DECLARED FORFEITED** in favor of the government.

SO ORDERED."^[5]

Upon appeal, the Civil Service Commission (CSC), on September 23, 1996, promulgated Resolution No. 966213^[6] affirming the Decision of the DECS Secretary in the case filed by Magdalena but dismissing the complaint of Ligaya. The CSC ruled that respondent's transgression against Magdalena constitutes grave misconduct. Thus:

"The acts of Belagan are serious breach of good conduct since he was holding a position which requires the incumbent thereof to maintain a high degree of moral uprightness. As Division Superintendent, Belagan represents an institution tasked to mold the character of children. Furthermore, one of his duties is to ensure that teachers in his division conduct themselves properly and observe the proper discipline. Any improper behavior on his part will seriously impair his moral ascendancy over the teachers and students which can not be tolerated. **Therefore, his misconduct towards an applicant for a permit to operate a private pre-school cannot be treated lightly and constitutes the offense of grave misconduct.**

WHEREFORE, respondent Allyson Belagan is hereby found guilty of **grave misconduct** and imposed the penalty of **DISMISSAL** from the service with all the accessory penalties. The decision of the DECS Secretary is modified accordingly."^[7]

On October 29, 1996, respondent seasonably filed a motion for reconsideration, contending that he has never been charged of any offense in his thirty-seven (37) years of service. By contrast, Magdalena was charged with several offenses before

the Municipal

Trial Court (MTC) of Baguio City, thus:

- "1. Criminal Case No. 43416 for LIGHT ORAL DEFAMATION (**December 3, 1980**)
2. Criminal Case No. 45629 for SLIGHT PHYSICAL INJURIES (**May 13, 1982**)
3. Criminal Case No. 45630 for GRAVE THREATS (**May 13, 1982**)
4. Criminal Case No. 45914 for GRAVE THREATS (**June 24, 1982**)
5. Criminal Case No. 51532 for MALICIOUS MISCHIEF (**January 25, 1985**)
6. Criminal Case No. 51533 for LIGHT THREATS (**January 25, 1985**)
7. Criminal Case No. 51556 for GRAVE ORAL DEFAMATION (**January 30, 1985**)
8. Criminal Case No. 51818 for LIGHT ORAL DEFAMATION (**March 18, 1985**)
9. Criminal Case No. 51819 for GRAVE ORAL DEFAMATION (**March 18, 1985**)
10. Criminal Case No. 51820 for MALICIOUS MISCHIEF (**March 18, 1985**)
11. Criminal Case No. 51821 for UNJUST VEXATION (March 18, 1985)
12. Criminal Case No. 62173 for UNJUST VEXATION (**May 29, 1991**)
13. Criminal Case No. 62172 for GRAVE ORAL DEFAMATION (**May 29, 1991**)
14. Criminal Case No. 62754 for GRAVE ORAL DEFAMATION (**December 2, 1986**)
15. Criminal Case No. 55642 for GRAVE ORAL DEFAMATION (**December 2, 1986**)
16. Criminal Case No. 55423 for GRAVE ORAL DEFAMATION (**October 24, 1986**)
17. Criminal Case No. 55846 for GRAVE ORAL DEFAMATION (**November 4, 1986**)
18. Criminal Case No. 55800 for GRAVE ORAL DEFAMATION (**January 7, 1987**)
19. Criminal Case No. 57312 for UNJUST VEXATION (**November 29, 1987**)
20. Criminal Case No. 55643 for SLIGHT PHYSICAL INJURIES (**December 13, 1985**)
21. Criminal Case No. 53404 for UNJUST VEXATION (**December 13, 1985**)
22. Criminal Case No. 55422 for UNJUST VEXATION (**October 24, 1986**)" ^[8]

In addition, the following complaints against Magdalena were filed with the Barangay Chairmen of Barangay Gabriela Silang and Barangay Hillside, both in Baguio City:

- "1. Ordana vs. Gapuz (Brgy. Case No. 11-19-02-A) for GRAVE THREATS, UNJUST VEXATION, RUMOR MONGERING
2. Teresita De Los Santos vs. Gapuz (Brgy. Case No. 86-8-26-8) for GRAVE THREATS & ORAL DEFAMATION

3. Mrs. Conchita Ballesteros vs. Gapuz (Brgy. Case No. 029) for ORAL DEFAMATION and FALSE ACCUSATION
4. Mrs. Clara Baoas vs. Gapuz (Brgy. Case No. 030) for HARASSMENT and THREATS
5. GABRIELA SILANG TANOD FORCES vs. Gapuz (Case No. 031) for HABITUAL TROUBLE MAKER
6. Pablo Ortiz vs. Gapuz (**November 1, 1979**) for ORAL DEFAMATION
7. C. Ballesteros vs. Gapuz (**September 11, 1978**) for ORAL DEFAMATION
8. Mrs. Liza Ancheta vs. Gapuz (**September 27, 1978**) for RUMOR MONGERING
9. Mr. Pananin (Beneco Personnel) (**October 8, 1978**) for ORAL DEFAMATION
10. Mrs. Minda Valdez vs. Gapuz (**November 6, 1978**) for ORAL DEFAMATION
11. WOMEN'S CLUB vs. GAPUZ (**February 9, 1979**) for ORAL DEFAMATION
12. Vistro Salcedo case (**May 8, 1979**)
Where Mrs. Gapuz was spreading rumors against Barangay Captain and Police Chief
13. Demolition Scandal (**May 10, 1979**)
Where she called all the residents of their Barangay for an emergency meeting and where she shouted invectives against the residents
14. Incident of **June 13, 1979**
Mrs. Gapuz shouted invectives against the Barangay Sanitary Inspector
15. Incident of **August 25, 1979**
Mrs. Gapuz shouted invectives against the servants of Mr. De Leon
16. Incident of **August 26, 1979**
Mrs. Gapuz terrorized the council meeting
17. Incident of **September 2, 1978**
Mrs. Clara Baoas was harassed by Mrs. Gapuz
18. Incident of **September 9, 1979**
Mrs. Gapuz quarreled with Mrs. C. Ballesteros during the council meeting
19. Incident of **September 10, 1979**
Mrs. Gapuz was hurling invectives along her alley in the early morning
20. Incident of **September 13, 1979**
Mrs. Gapuz tapped electric wire from Mrs. Tessie de los Santos with the latter's consent
21. Incident of **September 21, 1979**
Mrs. Gapuz was shouting and hurling invectives scandalously around her residence
22. Incident of **September 21, 1979**
Mrs. Gapuz was shouting, complaining about alleged poisoned sardines near the premises of her residence which killed her hen.
23. Incident of **September 23, 1979**
Mrs. Gapuz was shouting unpleasant words around the neighborhood. She did not like the actuations of a bayanihan group near the waiting shed."^[9]

Respondent claimed that the numerous cases filed against Magdalena cast doubt on her character, integrity, and credibility.