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[A.M. No. P-03-1696 (Formerly OCA IPI No. 01-1088-P), April 30, 2003]

CIVIL SERVICE COMMISSION, COMPLAINANT, VS. ZENAIDA T. STA. ANA, COURT STENOGRAPHER I, MCTC, QUEZON-LICAB, NUEVA ECIJA, RESPONDENT.

R E S O L U T I O N

PER CURIAM:

This is an administrative matter for the dismissal of Zenaida Sta. Ana, Court Stenographer 1 of the Municipal Circuit Trial Court (MCTC) of Quezon-Licab, Nueva Ecija. Atty Anicia Marasigan- de Lima, Director IV of the Civil Service Commission (CSC) Regional Office No. 3, San Fernando, Pampanga, charged her with dishonesty, grave misconduct, and conduct prejudicial to the best interest of the service for misrepresenting that she took and passed the Career Service Professional Examination Computer Assisted Test (CAT) on September 16, 1998 when, in truth and in fact, someone else took the examination for her. The CSC found that the picture and signature in respondent's Personal Data Sheet were different from those appearing in her CAT application and in the Picture Seat Plan both filed in the Examination and Placement Services Division (EPSD) of the CSC.

The formal charge against respondent read as follows:

1. That Zenaida T. Sta. Ana has a proposed appointment in a government office in Manila;

2. That under Item 19 of her Personal Data Sheet, Sta. Ana indicated that she passed the Career Service Professional Examination (CAT) held at the Civil Service Commission Regional Office No. 3, San Fernando, Pampanga on September 16, 1998 with a rating of 84.86%;

3. That Director Arturo J. Panaligan of CSC-National Capital Judicial Region requested from this Office confirmation of the eligibility of Sta. Ana;

4. That verification from the Picture Seat Plan of the Examination and Placement Services Division (EPSD) of this Office showed that another person took the examination in behalf of Sta. Ana;

5. That the signature and picture pasted in the duly accomplished Personal Data Sheet of Zenaida Sta. Ana differ from that appearing in the CAT application and in the Picture Seat Plan both filed in the EPSD of this Office;

6. That on February 29, 2000, this Office issued an Order requiring Sta. Ana to comment within five (5) days from receipt why she should not be administratively charged for Dishonesty, Grave Misconduct and Conduct Prehjudical to the Best Interest of the Service;

7. That the Order was sent by this Office through registered mail and the same was duly served on March 23, 2000; and

8. That Sta. Ana filed her comment to this Office (CSC) on March 30, 2000.[1]

Respondent, in her May 28, 2000 answer, stated the following:

1. That when she took the civil service examination for Career Service Professional which was held at San Fernando, Pampanga on September 16, 1998, she signed an application for the said examination and submitted the requirements to the Civil Service Commission;

2. That subsequently, she received a Certificate of Eligibility from the Chairman of the Civil Service Commission for the examination which was held on September 16, 1998 purportedly due to the fact that she received a rating of 84.86%;

3. That at the time of the receipt by her of the Certificate of Eligibility she had no knowledge nor notice of any defect or infirmity in the result of her examination;

4. That subsequently, she received a notification that she is being charged for Dishonesty, Grave Misconduct and Conduct Prejudicial to the Interest of the Service allegedly because it appears in the picture seat plan of the examination that another person took the examination in behalf of Mrs. Zenaida T. Sta. Ana;

5. That in all truth and candor, respondent hereby states that she has no knowledge as to why it now appears that another person took the examination for her;

6. That when she took the examination, she did it in all honesty and good faith and with the primary intention of passing the same for purposes of entering the government service and she would not do anything that would in one way or another, destroy her dream of ultimately becoming a career professional in the government service;

7. That under the circumstances, all that she could probably say is that, the changing of the picture in the picture seat plan may have been done by persons unknown to her who may have been committing such anomaly or irregularity in the examination procedure of the Civil Service Commission;

8. That the respondent hereby advances the information that such anomaly or irregularities may have been actually existing in the examination procedure of the commission and that it only happens at this particular instance that she became a victim of such irregularity;

9. That as proof and as part of her evidence, she is hereby submitting a Xerox copy of the Certificate of Eligibility given to her by the Chairman of the commission;

10. That she hereby further reserves the presentation of oral and documentary evidence in support of her defense.[2]

Court Administrator Presbitero J. Velasco forwarded the matter to Executive Judge Napoleon T. Sta. Romana for formal investigation and recommendation. In his report submitted on March 25, 2002, Judge Sta. Romana found respondent guilty of the charges against her and recommended her dismissal, based on his findings:

> Atty. Anicia Marasigan-de Lima was subpoenaed to shed light on the complaint against the respondent. In representation of the Civil Service Commission, Atty. Jasmin Regino testified in behalf of said Office on March 8, 2002 and submitted the documents in possession of the Legal Affairs Division in connection with a similar complaint before their Office. It appears that there is no resolution by their Office as of said date and is still waiting for a memorandum to be submitted by the respondent which was twenty (20) days from November 9, 2000 (sic) by Hearing Officer Dulce J. Cochon. No memorandum was submitted.
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> The exhibits submitted by the Civil Service Commission are the following:
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> | Exhibit "A" | - | Formal Charge by the Civil Service Commission dated May 5, 2000; |
> | Exhibit "B" | - | Order issued by the Civil Service Commission signed by Atty. Anicia Marasigan-de Lima, Director IV; |
> | Exhibit "C" | - | Indorsement letter of Alma M. Tuazon, Chief Personnel Specialist, Examination and Placement Services Division, Civil Service Commission, Regional Office No. 3, San Fernando, Pampanga; |
> | Exhibit "D" | - | Examination Slip dated September 16, 1998 of Zenaida T. Sta. Ana; |
> | Exhibit "E" | - | Personal Data Sheet of Zenaida T. Sta. Ana; Exhibit "E-1"– signature of Zenaida T. Sta. Ana at the back; |
> | Exhibit "F" | | Certificate of Eligibility with date of release as September 16, 1998 in |

the name of Zenaida T. Sta. Ana;

Exhibit "G" - Letter of Director Arturo Panaligan;

Exhibit "H" - Picture Seat Plan with examination date of September 16, 1998 at the CSR No. 3; Exhibit "H-1" - No. 4 column with name and picture of Zenaida T. Sta. Ana; and Exhibit "H-2" – the signature of Zenaida T. Sta. Ana;

Exhibit "I" - Comment of Zenaida T. Sta. Ana; Exhibit "I-1" - page 2 of the Comment; and Exhibit "I-2" – the signature of Zenaida T. Sta. Ana on page 2;

Exhibit "J" - the Answer of Zenaida T. Ana to the Formal Charge; Exhibit "J-1" to J-4", series - the succeeding pages;

Exhibits "K" to "K-4", series - the Notices of Hearings issued by the Civil Service Commission on the person of Zenaida T. Sta. Ana;

Exhibits "L" and "L=1" - Appearances; the remarks thereon as Exhibit "L-2"; and

Exhibit "M" - Letter of Zenaida T. Sta. Ana dated June 29, 2000.

The respondent opted not to present testimonial evidence but only marked the following exhibits in her defense;

Exhibit "1" - Answer of the respondent to the Formal Charge; "1-a" and "1-b" - succeeding pages thereof;

Exhibit "2" - The Certificate of Eligibility issued by the Civil Service Commission to the respondent;

Exhibit "3" - Personal Data Sheet of respondent Zenaida T. Sta. Ana; "3-a" - the signature of Zenaida T. Sta. Ana;

Exhibit "4" - Personal Data Sheet of the alleged substitute examinee; and

Exhibit "5" - Picture Seat Plan; "5-a" – portion showing the picture of the alleged