

EN BANC

[G.R. No. 145737, September 03, 2003]

CIVIL SERVICE COMMISSION, PETITIONER, VS. EVELYN P. CAYOBIT, RESPONDENT.

DECISION

PER CURIAM:

This case arose from an administrative complaint filed by petitioner Civil Service Commission against respondent Evelyn P. Cayobit for Dishonesty and Grave Misconduct.

Since 1982, respondent has been employed with the National Housing Authority (NHA). On March 29, 1990, she was appointed as Livelihood Specialist in its Dagat-dagatan Development Project. The position was co-terminus with the project and did not require any eligibility. Even then, she submitted her original certificate of eligibility showing a rating of 81.20%, the grade she obtained in a civil service examination held on July 30, 1989 in Manila. On June 5, 1990, petitioner approved her appointment, which was given retroactive effect from July 1, 1989.

Another appointment was extended to respondent in September 1993 as Senior Livelihood Officer. This position required civil service eligibility owing to its permanent status. On September 29, 1993, Carmelita Bernardino, Senior Specialist at petitioner's field office in NHA, came across her appointment papers, which included her original certificate of eligibility. In the course of processing said papers, Bernardino found out that her eligibility was not entered in the service card on file with the field office. To verify, Bernardino went to petitioner's National Capital Region office on October 18, 1993. Bernardino discovered that respondent was not in the passing list on file.

The matter was referred by Bernardino to her superior, Director Imelda Abueng, who verified respondent's eligibility with petitioner's central office. She found out that based on the masterlist of eligibles kept at the central office, respondent obtained a failing mark of **40.96%**. Respondent's appointment was disapproved.

On October 25, 1993, petitioner charged respondent with dishonesty and grave misconduct, committed as follows:

That in support of your appointment as Senior Livelihood Officer, National Housing Authority, Quezon City, you submitted a xerox copy of your alleged Certificate of Eligibility (CS Professional) purporting that you passed the July 30, 1989 Career Service Examination. However, after verification from the masterlist of eligibles, it was found out that you failed the said examination with a rating of 40.96%.^[1]

After hearing, respondent was held guilty of the charges against her. In a resolution dated January 5, 1995, petitioner ruled:

After a careful evaluation of the records, we find substantial evidence which proved the commission by the herein respondent of the offense charged against her.

WHEREFORE, Evelyn P. Cayobit is found guilty of Dishonesty and Grave Misconduct. Accordingly, the penalty of dismissal from the service with the accessory penalties of perpetual disqualification from taking any civil service examination and disqualification from holding public office are (*sic*) imposed on her.^[2]

Feeling aggrieved, respondent filed with this court a Petition for Certiorari on March 29, 1995.^[3] We referred the petition to the Court of Appeals for proper disposition in a Resolution dated April 4, 1995,^[4] where it was docketed as CA-G.R. SP No. 36978.^[5] Pursuant to our ruling in the case **Dennis Lazo v. Civil Service Commission**,^[6] the appellate court ordered petitioner to retrieve and submit the answer sheets of respondent. Its Management Information Office, however, stated that the answer sheets have already been disposed of in accordance with CSC Resolution No. 87-070 which directs the "destruction or disposal of answer sheets of examinees who passed in the Civil Service examinations... after five (5) years from the date of the release of examination."^[7]

In its decision dated February 15, 2000, the Court of Appeals granted the petition of the respondent, *viz*:

In fine, there was no substantial evidence to prove that petitioner committed the offenses leveled against her.

WHEREFORE, the petition is GRANTED and the impugned CSC Resolution No. 95-0111 is hereby NULLIFIED and SET ASIDE.

SO ORDERED.^[8]

It likewise denied for lack of merit petitioner's motion for reconsideration in a Resolution promulgated on October 12, 2000.

Hence, the present course of action, where petitioner contends:

That the Honorable Court of Appeals erred in holding that there was no substantial evidence to prove that respondent committed the offense of dishonesty and grave misconduct.

That the Honorable Court of Appeals erred in holding that the masterlist of eligibles is not the primary record of civil service eligibles.^[9]

We will first decide the second issue as our resolution of whether the masterlist of eligibles is the primary record of civil service eligibles is crucial in determining the innocence or guilt of the respondent. In this regard, petitioner argues that the masterlist of eligibles must be considered the primary record of eligibility for this is the official record it keeps pursuant to both its constitutional and statutory

mandates to conduct and safeguard civil service examinations. We agree.

Executive Order No. 292, otherwise known as the Administrative Code of 1987, provides that petitioner should keep a register of eligibles, where the names of those who pass any particular civil service examination shall be entered, thus:

Sec. 23. Release of Examination Results.-- The results of any particular service examination held in a number of places on the same date shall be released simultaneously.

Sec. 24. Register of Eligibles.-- The names of the competitors who pass an examination shall be entered in a register of eligibles arranged in the order of their general ratings and containing such information as the Commission may deem necessary.^[10]

The implementing rules of the Code similarly provides, viz:

Sec. 5. The results of any particular civil service examination held in a number of places on the same date shall be held simultaneously. The names of examinees who obtained the required passing grades in an examination shall be entered in a register of eligibles.^[11]

Pursuant to the foregoing provisions, petitioner prepares and keeps the masterlist of eligibles, which is the list of all examinees who passed and failed a given examination. It contains their complete names, the general rating they obtained and other relevant personal information such as their places and dates of birth, and their home addresses.^[12]

The masterlist of eligibles is kept by petitioner for records and verification purposes. It is precisely against it that entries in the certificate of eligibility are counter-checked and verified, specifically whether the score stated therein is true and correct. The basis for the list was well explained by petitioner, thus:

It has been the constitutional (Paragraph (2), Section 2 and Section 3(B), Article IX, 1987 Philippine Constitution) and statutory (Paragraphs (7) and (8), Section 12, Chapter III, Subtitle A, Title I of the Revised Administrative Code of 1987) mandate of the CSC, being the central personnel agency of the government, to conduct and safeguard civil service examinations, **and as a necessary incident thereof**, issue and keep Certificates of Eligibility to qualified examinees to a particular CS Examination, **on the basis of its own record.**^[13] (*emphases supplied.*)

We therefore hold the masterlist to be the primary record of eligibles. It is the list officially prepared and kept by the petitioner pursuant to its constitutional and statutory mandates. It is what petitioner utilizes to verify the eligibility of applicants in government service. If we consider the certificate, as held by the appellate court, to be the primary record of one's eligibility, there will be no way by which petitioner can countercheck the veracity of the entries therein. In effect, petitioner will be left without a process of corroborating the eligibility of applicants for government positions with permanent status. Government offices would be bound to accept a certificate as conclusive and incontestable, without any means of validation, notwithstanding that the certificate may have been spuriously manufactured or that an item therein may have been erroneously or irregularly entered. This is dangerous