

EN BANC

[A.M. No. 2003-7-SC, December 15, 2003]

ADMINISTRATIVE CASE FOR DISHONESTY AND FALSIFICATION OF OFFICIAL DOCUMENT AGAINST NOEL V. LUNA, SC CHIEF JUDICIAL STAFF OFFICER, SYSTEMS PLANNING AND PROJECT EVALUATION (SPPE) DIVISION, MISO

RESOLUTION

PER CURIAM:

This administrative matter stems from a letter^[1], dated November 12, 2002, of the Civil Service Commission (CSC). It referred to the Office of the Court Administrator (OCA) a text message, which the CSC received under its TEXTCSC Project, seeking an investigation into the qualifications of respondent Noel V. Luna, SC Chief Judicial Staff Officer, Systems Planning and Project Evaluation Division, Management Information Systems Office (MISO), Supreme Court.

The text message reads as follows:

Please check the PDS of Noel V. Luna. As of now he is holding a position of SC Chief Judicial Staff Officer-PERMANENT position. He always claim 2 be a grad in the personal data sheet Tnx. Concern employee of d court.

It appears that from May 5, 1986, until February 28, 1990, Noel V. Luna served as a contractual employee in the Office of the Reporter, Supreme Court. In his Personal Data Sheet (PDS), which became one of the bases for his appointment and its eventual renewal, respondent indicated his educational attainment as 5th Year College. On March 1, 1990, when he was appointed to a permanent position as Information Officer I, Editorial Division, Office of the Reporter, his updated PDS stated that he reached 5th year college.^[2]

After a few years, respondent was favorably recommended to the position of Information Officer II in the Systems Planning and Project Evaluation Division, MISO, a position requiring a bachelor's degree in Computer Science or Computer Engineering and relevant experience of three (3) years. He was promoted to the position on April 28, 1992.^[3]

At the time respondent was recommended for promotion, Memorandum Circular No. 23, s. 1991 was still effective. Said Circular allowed deficiencies in education to be substituted with one (1) year of specialized/relevant experience, six (6) months of relevant training or two hundred (200) hours consisting of one or more specialized/relevant training programs or seminars.^[4]

On March 1, 1995, the position respondent was holding was upgraded to SC Supervising Judicial Staff Officer.^[5]

In November 1997, respondent applied for the position SC Chief Judicial Staff Officer, MISO, a position that had the following qualification requirements:

- 1) Bachelor's degree relevant to the job;
- 2) Four years in position/s involving management and supervision;
- 3) 24 hours training in management and supervision; and
- 4) Career Service Professional Eligibility.

Upon the favorable recommendation of the members of the Selection and Promotion Board (SPB), respondent was appointed Chief Judicial Staff Officer on January 13, 1998. In the PDS that he accomplished on January 15, 1998, respondent indicated that he had obtained the degree in BS ELECTRICAL ENGINEERING from 1982-1987.

[6] His appointment was subsequently confirmed and attested by the Civil Service Commission.[7]

After almost four (4) years, the CSC, in a letter^[8] dated November 12, 2002, referred the aforementioned text message to the Office of the Court Administrator. The said office, in turn, referred the letter of the CSC to the Office of Administrative Services (OAS) for appropriate action.

Acting on the referral, the OAS sought to verify respondent's educational attainment from the Lyceum of the Philippines, the university where the respondent is known to have attended college.^[9] In response, Ms. Maria Teresa O. Pilapil, the school registrar, issued a certification on April 9, 2003. She stated that, "Mr. Luna lacks 54 units to complete the academic requirements of the prescribed course leading to the degree of Bachelor of Science in Electrical Engineering as of First Semester of School Year 1986 - 1987."^[10]

In view of what appeared to be a discrepancy if not outright anomaly in the qualification records pertaining to the appointment of respondent as SC Chief Judicial Staff Officer of the SPPED, MISO, the OAS directed respondent on April 15, 2003,^[11] to submit a written comment within five (5) working days and explain why no disciplinary action should be taken against him for dishonesty and falsification of official document.

In his comment dated April 21, 2003, respondent admitted that he indeed did not possess the degree of Bachelor of Science in Electrical Engineering. But he asserted that he never made any claim that he did. He averred that his lack of a college degree is well known to his officemates, as he has never concealed, or even attempted to conceal, said fact. He also denied making a false entry in his record.

According to him, he personally typed all the entries in his PDS, and when he submitted his PDS, it already contained the necessary information in typewritten form. He added that he left blank all the items to which he had no response. If he were indeed the author of the false information, respondent argues, there was no reason for him not to type in the entry since he could just as easily type it in as he typed the other entries. He likewise asserted that he was aware that insertions in completed documents need to be authenticated with a signature. Since there was no signature near the insertion, it was not he who made the insertion, respondent argued.^[12]

Finally, respondent expressed suspicion over the spurious entry in his PDS especially because the false entry has serious implications on his person. He proposed to help the OAS in the investigation, and offered his wholehearted cooperation.^[13]

On April 24, 2003, the Complaints and Investigation Division, OAS, transmitted to the Personnel Division, OAS, the certification issued by the Office of the Registrar of the Lyceum of the Philippines, respondent's comment, and respondent's PDS accomplished on January 15, 1998, for appropriate action.^[14] Correspondingly, the Personnel Division served a written request upon the Civil Service Commission, NCR, for the complete employment records on file of the respondent. The CSC granted the request and forwarded the necessary documents to the Personnel Division of the OAS.^[15]

On November 19, 2003, Atty. Eden T. Candelaria, DCC and Chief Administrative Officer, submitted to the Chief Justice through the Clerk of Court, the result of the investigation, with formal hearings conducted on the matter. Her report recommended:

In view of the foregoing, this Office, finds respondent Noel V. Luna, SC Chief Judicial Staff Officer, Systems Planning and Project Evaluation Division, MISO, guilty of administrative offenses of Falsification of Official Document and Dishonesty, and respectfully recommends that he be DISMISSED from the service with forfeiture of retirement benefits, except his leave credits, if there is any, and with disqualification for re-employment in any government agency or government owned or controlled corporation.

The matter is now before us to consider her findings and recommended sanction against respondent.

Respondent wants to impress on us that it was not he who indicated, in handwritten form, the false entry "BS Electrical Engineering" in his Personal Data Sheet (PDS) but someone else. It must be noted, however, that all application papers including the PDS, whether for original or promotional appointment, are initially submitted to, and processed by, the Secretariat of the Selection and Promotions Board (SPB) before the members of the Board would recommend a name from among the qualified applicants. Thus, respondent appears to fault the Secretariat of the SPB as the one responsible for inserting the false information regarding his educational attainment in his PDS.

Yet, respondent was the one seeking a promotional appointment. His interest in getting that much-desired promotion cannot be overstressed. In contrast, the Secretariat of the SPB had no interest whatsoever in respondent's promotion other than to perform the duty of collating and processing application papers, and preparing the matrices to be used by the Board in filling up vacant positions in the Court. Respondent stood to benefit by the coveted promotion, and not the Secretariat. His chances of being promoted would have sunk if it had been starkly revealed that he had yet to finish his five-year course in B.S. Electrical Engineering. Without the handwritten entry of "BS Electrical Engineering" in the PDS, respondent could not qualify for the position of SC Chief Judicial Staff Officer of the SPPE Division, MISO, because it requires one to be a holder of a bachelor's degree.