

EN BANC

[G.R. No. 147182, November 21, 2002]

**EVELYN M. RELUCIO, PETITIONER, VS. CIVIL SERVICE
COMMISSION AND COURT OF APPEALS, RESPONDENTS.**

DECISION

YNARES-SANTIAGO, J.:

Before us is a petition for review under rule 45 of the Rules of Court seeking to set aside the September 20, 2000 decision^[1] and the February 6, 2001 resolution^[2] of the Court of Appeals^[3] in CA-G.R. SP No. 58966, which upheld Resolution Nos. 991431^[4] and 992599^[5] of the Civil Service Commission (CSC) finding petitioner Evelyn M. Relucio guilty of Dishonesty and Falsification of Official Documents and imposing upon her the penalty of dismissal from service.

Petitioner, Evelyn M. Relucio is a Community Affairs Officer IV of Iligan City. She claimed that her father, the late Alberto Mansueto, Jr., was a World War II veteran who served with the rank of Sergeant at the 85th Infantry Regiment, Cebu Area Command 82nd Division, Philippine Army, from June 1942 to April 1945. During the lifetime of Alberto Mansueto, Jr., he, and after his demise, his wife, Elena Crespo-Mansueto, tried to seek official confirmation of his military service with the Philippine Veterans Board (now Philippine Veterans Affairs Office, PVAO). They presented the pertinent documents therefor, including the affidavits dated June 21, 1972, April 8, 1981, and July 8, 1981, executed by Lt. Col. Rogaciano C. Espiritu, Col. Manuel F. Segura and Capt. Lorenzo M. Buenaflor, respectively.^[6] Unfortunately, the Mansuetos failed to obtain said confirmation and recognition of Alberto Mansueto, Jr.'s, military services.

Meanwhile, on April 3, 1982, Executive Order No. 790 was issued granting and extending the veteran preference rating in civil service examination to any one child of a veteran.

Thus, petitioner filed a petition to avail of said preference rating in civil service examination. Aware that the military service of her father was not yet officially recognized by the PVAO, she presented the affidavits executed by Lt. Col. Rogaciano C. Espiritu, Col. Manuel F. Segura and Capt. Lorenzo M. Buenaflor, in support of her application.

Acting on petitioner's application, the PVAO issued Master List No. 274, dated March 30, 1987 and Certification No. 22413A, dated March 24, 1987, stating that Alberto Mansueto, Jr., was a World War II Veteran with the rank of private. On the basis of said Master List and Certification, the CSC granted her the benefit of 10% additional veterans preference rating and a Career Service Professional Eligibility.

Sometime in 1993, the CSC and the PVAO undertook a revalidation of their records to ascertain the truthfulness of the claims of supposed children of veterans who

were given the 10% veterans preferential rating. Thus, in the Memorandum of Agreement entered into by the CSC and the PVAO on January 7, 1994, it was agreed that "[f]or purposes of the grant of veterans preference rating, the name of the veteran should appear in any of the official documents of PVAO. These documents are the Reconstructed Recognized Guerilla Roster (RRGR), Philippine Veterans Bank Listing (PVBL), Updated List of AFP Retirees and List of Veterans with approved Deserving Guerilla Status."^[7]

One of those investigated was the claim of petitioner that her father Alberto Mansueto, Jr., who died on December 9, 1964, was a second World War veteran. On the basis of the "Report" submitted by the PVAO that the name of Alberto Mansueto, Jr., does not appear in any of its records, and after the requisite preliminary and fact-finding investigation, the CSC approved Resolution No. 95-4573 giving due course to the Formal Charge against petitioner for dishonesty and falsification of official documents. Pertinent portion of the Formal Charge reads:

When Evelyn M. Relucio applied for the grant of veteran preference rating at the Philippine Veterans Affairs Office (PVAO), she claimed that her father, Alberto Mansueto, was a veteran. However, after verifications done by the Commission, it was determined that the name of Alberto Mansueto, is not found in any of PVAO's official records of veterans. That by reason of her misrepresentation, she was issued Certification No. 22413 A and Master List No. 274 by Philippine Veterans Affairs Office dated March 24, 1987 and March 30, 1987, respectively certifying that her father Alberto [M]ansueto is a World War II Veteran with the rank of Private. As result of the certification issued by the PVAO, Evelyn Relucio was able to use the same to avail of the benefits of a 10% veterans preference granted to children of veterans. As a consequence thereof, she was issued a Career Service Professional eligibility and subsequently appointed under permanent appointment at the Palao City Government, Iligan City.^[8]

In her letter-Answer to the Formal Charge, petitioner claimed good faith and admitted, *inter alia*, that her father, before his demise was unable to complete all the papers and documentation in support of his claim that he was a World War II veteran, thus:

xxx xxx xxx

To support my denial and/or disavowal and disagreement with the finding of a prima facie case against me, in turn, I hereby respectfully submit, in good faith, the hereunder listed certified xerox copies of Affidavits being executed by [the] following-named World War II veterans then the guerilla officers and associates of my late guerilla veteran father, who had served as World War II guerilla Radio Operator with [the] rank of Sergeant at Headquarters and Headquarters Company, 85th INFANTRY Regiment, Cebu Area Command, 82nd DIVISION, Philippine Army, with station at Babag, Cebu City, namely:

xxx xxx xxx

Foregoing documents, duly sworn under oath, attest to the veracity that my late World War II guerilla veteran father Alberto M. Mansueto, Jr.

served with a rank of Sergeant, then assigned as Radio Operator of Headquarters & Headquarters Company, 85th INFANTRY Regiment, Cebu Area Command, 82nd DIVISION, Philippine Army, from June 1942 through April, 1945, at Babag, Cebu City Philippines.

The papers/documents of my late guerilla veteran father, as related to his adjudication as such veteran, were all in the process of documentation when the poblacion-wide fire/conflagration last May 21, 1957 in Iligan City caught our family members by surprise, thereby gutted our residential house, including all our papers and documents that covered the adjudication of my late veteran father, and thus, left all the numbers of our family with bare food, clothing, and petty items of our family business. Despondent moves of (*sic*) our late father transferred our family business, residence and business activities somewhere outside the poblacion proper of Iligan City, particularly in Barangay Tibanga. Unluckily, the preparatory moves of my late father to complete his papers/documents were overtaken by his untimely death/demise last December 9, 1964. Hence, my mother, Elena Crespo Mansueto, as surviving wife of my late father, met difficulty in completing the requirements for the adjudication and monetary claims for the World War II veteran adjudication of my late father.

Attached also hereto, is a copy of the Affidavit of my mother, Elena Crespo Mansueto, as executed on August 18, 1995 attesting to the foregoing narration of the circumstances and the fact that my late father was a genuine World War II guerilla veteran.

I hope that the foregoing explanations will clarify my stand that my late father was indeed and in fact a genuine World War II veteran. No misrepresentation done, I highly deserve availments of the benefits of a 10% veterans granted to children of World War II veteran.

All the foregoing statements of facts and circumstances considered as to the truth of the genuine status of my late father as a World War II guerilla veteran, I HEREBY WAIVE A FORMAL INVESTIGATION in connection with this case.

xxx xxx xxx.^[9]

On July 5, 1999, the Commission issued Resolution No. 991431, finding the petitioner guilty as charged and imposing upon her the penalty of dismissal from service. The dispositive portion thereof reads:

WHEREFORE, Evelyn M. Relucio is hereby found guilty of Dishonesty and Falsification of Official Documents. Accordingly, she is meted the penalty of dismissal from service with all the 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.^[10]

On November 24, 1999, the CSC denied petitioner's motion for reconsideration in its Resolution No. 992599.^[11]