

## SECOND DIVISION

**[ G.R. No. 133472, December 05, 2000 ]**

**CONSOLACION A. LUMANCAS AND YOLANDO O. URIARTE,  
PETITIONERS, VS. VIRGINIA B. INTAS, RESPONDENT.**

### DECISION

**BELLOSILLO, J.:**

CONSOLACION A. LUMANCAS and YOLANDO O. URIARTE seek in this petition for review the reversal of the Amended Resolution of the Office of the Ombudsman dated 16 August 1996 finding them administratively liable for falsification, dishonesty and grave misconduct, and consequently ordering their dismissal from the service, as well as its Order dated 12 February 1998 denying their Motions for Reconsideration.

Petitioners were regular employees of the Philippine Postal Corporation in Tandag, Surigao del Sur. They were charged by their co-employee Virginia B. Intas, respondent herein, for making false entries in their respective Personal Data Sheets (PDS, [CSC Form 212]) regarding their educational attainment, resulting in their promotion to higher positions to the prejudice of other postal employees who had been in the service for a longer period.

As found by the Office of the Ombudsman,<sup>[1]</sup> Consolacion A. Lumancas' original appointment as mail sorter with the Bureau of Posts showed that her highest educational attainment was Fourth Year Pharmacy.<sup>[2]</sup> Her official Transcript of Records from the International Harvardian University (IHU), Davao City, showed that she took up Bachelor of Science in Commerce (BSC), Major in Management, from 1974 to 1978 when she graduated and was issued Special Order No. 5-276 dated 6 November 1978. Lumancas' answers however in her three (3) PDS accomplished in 1989, 1991 and 1993 were inconsistent. In her PDS accomplished in 1989<sup>[3]</sup> Lumancas stated that she finished Bachelor of Science in Pharmacy<sup>[4]</sup> from 1970 to 1975 at the Centro Escolar University. In her PDS accomplished in 1991<sup>[5]</sup> she stated that she obtained her BS Pharmacy at the Centro Escolar University in 1974 and had her post graduate studies at the IHU in 1978.<sup>[6]</sup> In her PDS accomplished in 1993<sup>[7]</sup> Lumancas stated that she graduated with the degree of Bachelor of Science in Commerce, Major in Management, at the IHU from 1970-1974 inclusive.<sup>[8]</sup> In filling up her PDS for 1989 however she stated that she studied at the Centro Escolar University from 1970 to 1975. When requested to submit the academic records of herein petitioner Consolacion A. Lumancas, the IHU submitted several records but the original of her Special Order was not among them. According to Severina O. Villarin, Chief, Higher Education Division, Region XI, Lumancas' name could not be found in the IHU enrollment list filed with her office (Higher Education Division), Region XI, from school years 1974-75 to 1978-79, meaning, that she had not enrolled with the school during those terms.

When directed to answer, Lumancas denied the allegations. She averred that while it was true that in her 3 February 1989 appointment she indicated that her highest educational attainment was Fourth Year Pharmacy, despite her allegedly having finished Bachelor of Science in Commerce in 1978 at the IHU, this was because at that time she had not yet received her Transcript of Records and Special Order from the IHU, so that she was not sure whether she had passed all her subjects. Since her position did not require her to be a graduate of Bachelor of Science in Commerce, she did not bother to check whether she graduated from the course.

Lumancas also claimed that her Special Order was authentic considering that even the copy attached to the complaint<sup>[9]</sup> was supposedly checked and verified against the original and was in fact certified by Severina O. Villarin, Chief, Higher Education Division, Region XI, Commission on Higher Education (CHED). Lumancas admitted that there were mistakes in the entries made in her 1989 and 1993 PDS but denied making any mistake in 1991. She averred that there was no malice nor intent on her part to falsify the entries in her PDS and that she was just in a hurry to fill these up.<sup>[10]</sup>

As regards petitioner Yolando O. Uriarte, the Office of the Ombudsman found that he and a certain Mario L. Julve<sup>[11]</sup> also acquired falsified Transcripts of Records and Special Orders from the IHU as the Bureau of Higher Education of DECS in Manila through Director III Diosdada C. Boiser denied that her Office issued Special Orders to them.<sup>[12]</sup> Petitioners Lumancas and Uriarte, together with Mario L. Julve, had since been promoted one (1) rank higher on the bases of the questioned documents presented as part of their credentials.<sup>[13]</sup>

On her part, Yolando O. Uriarte asserted that he finished his Bachelor of Science in Commerce, Major in Management, at the IHU in 1968<sup>[14]</sup> and that his Transcript of Records and Special Order were issued on the basis of his completion of the academic requirements for the course. He also claimed that his Transcript of Records and Special Order No. (B) 5-0035 were authentic as these were checked and verified by the same Severina O. Villarin of CHED. He also insisted that his promotion was based on his qualifications considering that he was with the postal service since 1975 without any derogatory record and was even cited several times for his outstanding performance.<sup>[15]</sup>

On 31 July 1995, in reply to a query from the Office of the Ombudsman dated 11 July 1995, Severina O. Villarin informed the Office<sup>[16]</sup> that she had conducted an investigation and discovered that the clerk who prepared Uriarte's certifications relied only on photocopies of the Special Orders purportedly issued to the IHU by the Bureau of Higher Education, Manila, in favor of Uriarte. However, the Bureau denied having issued the Special Orders, thus she herself had ordered the cancellation of the certifications for being spurious.<sup>[17]</sup>

As regards the case of Lumancas, the IHU was requested to submit her academic records; consequently, several records were submitted but the original of the Special Order was not among them. Villarin further declared that Lumancas' name could not be found in the IHU enrollment list filed with their office from school years 1974-75 to 1978-79, meaning, that she had not enrolled during those terms.<sup>[18]</sup>

Petitioners Lumancas and Uriarte moved for a formal hearing but the Office of the Ombudsman denied their motion on the ground that it was apparently intended merely to delay the proceedings.<sup>[19]</sup> It noted that the motion praying for a formal hearing was filed only on 3 July 1996, or more than nine (9) months after the parties failed to appear for the preliminary conference on 18 September 1995,<sup>[20]</sup> and after they failed to submit their memorandum despite an order<sup>[21]</sup> dated 6 October 1995 from the Office of the Ombudsman granting their motion for extension of time to submit their memorandum.<sup>[22]</sup>

After evaluating the evidence, the Office of the Ombudsman issued the Amended Resolution of 16 August 1996,<sup>[23]</sup> released 17 January 1997, finding Lumancas and Uriarte guilty as charged and dismissed them from the service without prejudice to their right to appeal as provided under Sec. 27, RA 6770.<sup>[24]</sup>

On 6 February 1997 and 7 February 1997 respondents Lumancas and Uriarte, now herein petitioners, filed their respective motions for reconsideration insisting on a formal hearing, which the Office of the Ombudsman finally granted. Thereafter, hearings were held on 14-17 April 1997<sup>[25]</sup> after which the Office of the Ombudsman conclusively held that despite the burning of the records of the DECS Regional Office XI in 1991, other records at the DECS-CHED did not show that Lumancas and Uriarte had been enrolled at the IHU during the years they allegedly took their respective courses as stated in their respective PDS.<sup>[26]</sup>

On 12 February 1998 Lumancas' and Uriarte's Motions for Reconsideration were denied by the Office of the Ombudsman; hence, this petition for review.

Section 27 of RA 6770<sup>[27]</sup> provides in part that "(f)indings of fact by the Office of the Ombudsman when supported by substantial evidence are conclusive." According to the Office of the Ombudsman-Mindanao, the evidence sustains the conclusion that Lumancas and Uriarte are not college graduates, and that their contention that the Special Orders issued in their favor are authentic, banking on the certification issued by Severina O. Villarín, Chief, BHE, Regional Office XI, is without merit. In fact, upon verification by the same office from the Bureau of Higher Education, Manila, the same BHE Regional Office XI, through Villarín herself, cancelled the certification it previously issued and notified this Office that the Special Orders issued in favor of Uriarte and Julve were spurious.<sup>[28]</sup>

An examination of the records of the DECS, as verified by CHED officers during the hearings, particularly Form 19,<sup>[29]</sup> failed to disclose that petitioners' names were among the list of students enrolled in the IHU during their alleged period of study. In the case of Uriarte, although his Transcript of Records reflects that he was enrolled in the second semester of 1964-65 and the summer thereafter, and received grades for subjects taken during those terms, his name was not included in the list of students submitted by the IHU to DECS. The same is true with Lumancas, whose name could not be found among the DECS records for the first and second semesters of schoolyears 1976-78 although her Transcript of Records shows that she was enrolled for that period and in fact received grades for subjects taken during those semesters.

Laura Geronilla, Assistant Registrar of the IHU, claimed that the omissions were unavoidable in the preparation of Form 19 by hand. But this testimony alone cannot overturn the fact that there exists no records at the DECS of Lumancas' or Uriarte's enrollment at the IHU. Strangely, the omission did not happen just once, but repeated many times over involving several semesters and to students enrolled in different school years. Hence, there can only be one conclusion - that petitioners were never reported to DECS as students of the IHU because indeed they were never enrolled thereat.

In her certification dated 14 September 1994<sup>[30]</sup> Laura Geronilla stated that according to available academic records, Yolando O. Uriarte was indeed a graduate of the IHU the school year 1967-68 with the degree of Bachelor of Science in Commerce (BSC), Major in Management, and that his Form 19 "had already been resubmitted to DECSRO XI for the issuance of a corrective Special Order due to the accidental omission/exclusion of his name in the DECS microfilm files despite its vivid inclusion in the original paper copy submitted." Petitioners however failed to submit a copy of such original paper or the DECS microfilm wherein Uriarte's name was allegedly missing, nor presented evidence that such request had been favorably acted upon by the DECS.

It may also be noted that on 20 November 1981<sup>[31]</sup> Geronilla issued another certification in favor of Uriarte certifying that he had "completed all the requirements for the degree of Bachelor of Science in Commerce (BSC), Major in Management, as of March 1979. This is to certify further that his application for graduation has been forwarded to the DECS Regional Office for the issuance of his Special Order."<sup>[32]</sup> However, Uriarte's Special Order which was allegedly issued by the DECS is dated 8 January 1969. If Uriarte had actually graduated in 1968, what was the purpose of this 1981 certification? On the other hand, if Uriarte actually completed all the requirements for graduation only in March 1979, then why was he issued a Special Order which antedated the day when he became qualified to be a graduate of the school?

Quite obviously, neither Lumancas nor Uriarte is a graduate of a four (4)-year course and thus is not qualified to be promoted to a higher position. The use of false documents attesting that they are college graduates when in truth and in fact they are not, makes them administratively liable for dishonesty through the use of falsified documents.

The elements of "use of falsified documents," which is a crime under Art. 172 of the *Revised Penal Code*, are: (a) That the offender knew that a document was falsified by another person; (b) That the false document is embraced in Art. 171 or in any of subdivisions 1 or 2 of Art. 172; (c) That he used such document (not in judicial proceedings); and, (d) That the use of the false document caused damage to another or at least it was used with intent to cause such damage. The fact that they used the false certifications in support of this promotion resulted in prejudice to other applicants genuinely qualified for the position. In this connection, we refer to the Court's observation in *Diaz v. People*<sup>[33]</sup>

As correctly observed by the trial court, 'It is also quite significant to note in this score that the accused in his defense failed to present any