

## EIGHTH DIVISION

[ CA-G.R. SP No. 126391, May 28, 2014 ]

**WILMA C. ALVERO, PETITIONER, VS. CIVIL SERVICE COMMISSION, RESPONDENT.**

### DECISION

**INTING, S.B., J.:**

This is an administrative matter for the dismissal of petitioner Wilma C. Alvero, Local Revenue Collection Officer I of the Municipal Government of Carmona, Cavite. Atty. Rebecca A. Fernandez, Director IV of the Civil Service Commission Regional Office No. 4 (CSCRO No. IV), Quezon City, charged her with Dishonesty (Impersonation), Grave Misconduct and Falsification of Official Document for misrepresenting that she took and passed the Career Service Professional Examination (CSPE) Computer Assisted Test on November 4, 1998 when, in truth and in fact, someone else took the examination for her. The CSC found that the picture and signature in Alvero's Personal Data Sheet (PDS) were different from those appearing in her CSPE Application Form and in the Picture Seat Plan (PSP).

The *Formal Charge*<sup>[1]</sup> against petitioner pertinently reads in part:

"That in support of your permanent Appointment as Local Revenue Collection Officer I at the Municipal Government of Carmona, Cavite, you accomplished a Personal Data Sheet (PDS) dated November 4, 1998. Under item number 18 thereof, you claimed to have passed the Career Service Professional – CAT examination given on November 4, 1998 at Civil Service Commission (CSC) National Capital Region, Quezon City with a rating of 82.16%.

Verification of your eligibility however disclosed that the picture attached in the Application Form and the Picture Seat Plan in the Career Service Professional CAT examination given on November 4, 1998 at CSC – National Capital Region is different from the picture attached in your PDS. The specimen handwriting and signature in both Application Form and Picture Seat Plan appear to be similar and written by only (sic) person. However, the same does (sic) resemble your specimen handwriting and signature as reflected in your PDS.

Hence, a clear case of impersonation has been established."

In her *Kontra-Salaysay*,<sup>[2]</sup> petitioner denied the charges against her and maintained that she was the one who personally took the CSPE on November 4, 1998 at the Civil Service Commission- National Capital Region (CSC-NCR).

A pre-hearing conference was set but petitioner failed to attend. Several pre-hearing orders were issued thereafter but petitioner kept on requesting postponements. Thus, on December 8, 2009, the prosecution manifested for the submission of the

parties' respective position papers and formal offer of evidence in lieu of the conduct of formal investigation. Accordingly, an Order dated January 19, 2010 was issued by the CSCRO No. IV directing the parties to submit their respective position papers with formal offer of evidence.

After the parties submitted their respective *Position Papers*,<sup>[3]</sup> the case was submitted for decision.

On June 18, 2010, the CSCRO No. 4 rendered judgment finding petitioner guilty of Serious Dishonesty, Grave Misconduct and Falsification of Official Documents and imposing upon her the penalty of dismissal from the service. The dispositive portion partly reads:

**"WHEREFORE**, premises considered, **WILMA C. ALVERO** is hereby found liable for the administrative offenses of Serious Dishonesty, Grave Misconduct and Falsification of Official Documents and the penalty of **DISMISSAL FROM THE SERVICE with ALL ACCESSORY PENALTIES, to wit: 1) cancellation of eligibility; 2) forfeiture of retirement benefits; 3) disqualification for reinstatement or reemployment; 4) disqualification for promotion; and 5) bar from taking any Civil Service examination** are imposed upon her."<sup>[4]</sup>

Upon motion for reconsideration,<sup>[5]</sup> the same was denied by Resolution No. 11-00093.<sup>[6]</sup>

Petitioner elevated her case to the Civil Service Commission (CSC) which issued the now assailed *Decision*<sup>[7]</sup> modifying the Decision and Resolution of the CSCRO No. IV's and finding petitioner guilty of two (2) counts of Serious Dishonesty. The penalty of dismissal from service as well as its accessory penalties were affirmed.

Thus:

**"WHEREFORE**, the appeal (treated as a petition for review) of Wilma C. Alvero is hereby DISMISSED. However, the Decision dated June 18, 2010 and Resolution dated June 24, 2011 of the Civil Service Commission Regional Office (CSCRO) No. IV, Quezon City, finding her guilty of Serious Dishonesty, Grave Misconduct and Falsification of Official Documents is hereby **MODIFIED** as Alvero is hereby found guilty of two (2) counts of Serious Dishonesty. Accordingly, the imposition upon her of the penalty of dismissal from the service with the accessory penalties of cancellation of Civil Service eligibility, forfeiture of retirement benefits, disqualification from holding public office, and bar from taking any Civil Service examinations, and denying her motion for reconsideration, respectively, are AFFIRMED."

Aggrieved, petitioner moved for a reconsideration of the CSC's judgment but the motion was denied in the *Resolution No. 1201075*<sup>[8]</sup> dated July 17, 2012.

Undaunted, petitioner now comes before Us via the present *Petition for Review*<sup>[9]</sup> filed under Rule 43 where she contends that:

*"THE HONORABLE PUBLIC RESPONDENT GRAVELY ERRED IN FINDING THAT SUBSTANTIAL EVIDENCE EXISTS TO HOLD PETITIONER GUILTY OF*

*THE ADMINISTRATIVE CHARGES, viz: Two Counts of Serious Dishonesty, Grave Misconduct and Falsification of Official Documents."*

### **THIS COURT'S RULING**

The well-entrenched rule is that factual findings of administrative agencies and quasi-judicial bodies, like the CSC, if supported by substantial evidence, are accorded respect and even finality. This is because administrative agencies and quasi-judicial bodies possess specialized knowledge and expertise in their respective fields. As such, their findings of fact are binding upon the courts.

After having been apprised of the CSC's factual findings, We find that petitioner is indeed guilty of Serious Dishonesty, Grave Misconduct and Falsification of Official Documents. The factual findings of the CSC are amply supported by the evidence on record, hence, We find no cogent reason to deviate from the same. Accordingly therefore, **the petition is denied.**

From the start, petitioner denies having committed acts of dishonesty maintaining that she was the one who personally took the CSPE on November 4, 1998 at the CSC-NCR. She insists that she did not utilize any other person to take the exam using her identity and in her behalf and if there were dissimilarities between the pictures she attached in her CSPE Application Form and PSP as against that attached in her PDS, such discrepancy was the result of picture quality differences because the photo shops which shot those pictures were different. Petitioner explains that the pictures attached in her CSPE Application Form and PSP were old pictures shot by an ordinary inexpensive photo shop, whereas the picture attached in her PDS was shot by a special and more expensive photo shop which employed some retouches (or "retook") thus making it clearer and finer. Hence, while the pictures may have dissimilarities, petitioner claims that those pictures reflect her face as it is.

We are not convinced.

Dishonesty is defined as "intentionally making a false statement in any material fact, or practicing or attempting to practice any deception or fraud in securing his examination, registration, appointment or promotion." It is also understood to imply a "disposition to lie, cheat, deceive, or defraud; unworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray."<sup>[10]</sup>

Certainly so, petitioner committed an act of dishonesty when she employed another person to take the CSPE on November 4, 1998 for her and in her behalf and claimed the result thereof as her own in her PDS accomplished on the same day of November 4, 1998. This fact is proven by the presence of stark dissimilarities noted by the CSCRO No. IV as well as the CSC between the pictures attached in petitioner's PDS, CSPE Application Form and PSP, namely: the shape or structure of the face, thickness of the lips, shape and wideness of the eyes and the structure of the nose.

Obstinately however, petitioner would still like Us to believe that there was no impersonation that took place. Unfortunately for her, substantial evidence on record proves otherwise.

As succinctly put by the CSC, to wit: