

## TWENTY-SECOND DIVISION

[ CA-G.R. SP NO. 04706-MIN, December 09, 2014 ]

**MACALAWAN M. HADJI-EDAROS, PETITIONER, VS. CIVIL SERVICE COMMISSION, RESPONDENT.**

### D E C I S I O N

**PEREZ, J.:**

This is a petition for review under Rule 43 of the Rules on Civil Procedure of the Resolution No. 100247<sup>[1]</sup> dated 13 December 2010 of the Civil Service Commission (CSC), which found petitioner guilty of two (2) counts of serious dishonesty, and Resolution No. 1101626<sup>[2]</sup> dated 13 December 2011 which denied appellant's motion for reconsideration of the Resolution No. 100247.

#### The Facts

This case unfolded when the Civil Service Commission Regional Office (CSCRO) No. XII requested from the CSCRO No. X verification of the Career Service Professional Eligibility (CSPE) of Hadji-Edaros (petitioner), then Clerk II of the Land Transportation Office, Regional Office No. XII. Upon verification, the CSCRO No. X discovered disparities in the facial features in the photograph attached on the Picture-Seat-Plan (PSP) of the 19 October 1997 Career Service Professional Examination conducted in Cagayan de Oro City vis-à-vis his photograph attached in his Personal Data Sheet (PDS). The CSCRO No. X likewise found that the signature of petitioner in the PSP is different from his signature in his PDS.<sup>[3]</sup>

After the preliminary investigation, CSCRO No. X found a *prima facie* case against petitioner for Dishonesty. He was formally charged with Dishonesty, as follows:

- "1. That one Macalawan M. Hadji-Edaros purportedly applied for, took and passed the Career Service Professional Examination held on 19 October 1997 in Cagayan de Oro City, with a rating of 87.50% (*sic*);
2. That he indicated in his Personal Data Sheet that he passed the said examination; and
3. That comparison of his pictures and signatures in his Personal Data Sheet with those in the Picture Seat Plan of the aforesaid examination reveals that another person took the examination on his behalf.

Considering that the foregoing facts constitute material misrepresentation which jeopardize the integrity of Civil Service Examinations, and it is clear that Macalawan M. Hadji-Edaros did not actually take said examination but allowed somebody else to take the

same and benefited therefrom, there is great probability that he committed the administrative offense of Dishonesty.

WHEREFORE, Macalayan M. Hadji-Edaros is hereby formally charged with the administrative offense of Dishonesty.<sup>[4]</sup>

Petitioner denied the allegations against him and averred that he was the one who took the 19 October 1997 Career Service Professional examination held in Cagayan de Oro City. He claimed that the disparities found in the PDS as against that in the PSP were machinated by by a person with intent to destroy and discredit him. He likewise moved for the dismissal of the formal charge as the CSCRO No. X has no jurisdiction over the case.<sup>[5]</sup>

On the scheduled hearing on 25 July 2007, petitioner did not appear. Thus, the Prosecution was allowed to present its evidence *ex-parte*. An Order was issued to petitioner for the continuation of the Formal Investigation set on 4 March 2008. Again, petitioner failed to appear on said hearing date. Consequently, the CSCRO No. X issued an Order for the submission of the parties of their respective Position Papers.<sup>[6]</sup>

In its Decision<sup>[7]</sup> dated 17 December 2008, the CSCRO No. X found petitioner guilty of Serious Dishonesty, the dispositive portion of which reads:

“WHEREFORE, premises considered, respondent Macalawan M. Hadji-Edaros is hereby found GUILTY of the administrative offense of Serious Dishonesty. Accordingly, he is meted the penalty of DISMISSAL from the service with the accessory penalties of disqualification from re-entering government service, forfeiture of retirement benefits, cancellation of eligibility and bar from taking future Civil Service examinations.”

Petitioner’s motion for reconsideration of the said Decision was denied in an Order<sup>[8]</sup> dated 29 January 2009.

On appeal, the Commission of Civil Service Central Office modified CSCRO No. X’s Decision and found petitioner guilty of two (2) counts of Serious Dishonesty in Resolution No. 100247.<sup>[9]</sup> The dispositive portion of the Resolution reads:

WHEREFORE, the petition for review of Macalawan M. Hadji-Edaros is hereby DISMISSED. Accordingly, the assailed Decision dated December 17, 2008 of Civil Service Commission Regional Office No. X finding Hadji-Edaros guilty of serious Dishonesty and imposing on him the penalty of dismissal from the service with all the accessory penalties is hereby MODIFIED as Hadji-Edaros is hereby found GUILTY of two (2) counts of Serious Dishonesty. The imposition of the penalty of DISMISSAL from the service with the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from re-employment in the government service and bar from taking future civil service examinations is AFFIRMED.

Petitioner’s motion for reconsideration of Resolution No. 100247 was likewise denied by the Commission in Resolution No. 1101626.<sup>[10]</sup>

Aggrieved, petitioner raises before Us this lone issue:

WHETHER OR NOT SUBSTANTIAL EVIDENCE EXISTS TO HOLD THE PETITIONER GUILTY OF SERIOUS DISHONESTY.

#### The Court's Ruling

The petition is bereft of merit.

Dishonesty has been 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. Under the Civil Service Rules, dishonesty is a grave offense punishable by dismissal which carries the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits and disqualification from reemployment in the government service.<sup>[11]</sup>

Section 3 of Civil Service Resolution No. 060538 - Re: Rules on the Administrative Offense of Dishonesty provides:

The presence of any one of the following attendant circumstances in the commission of the dishonest act would constitute the offense of Serious Dishonesty:

Xxx

g) The dishonest act involves a Civil Service examination irregularity or fake Civil Service eligibility such as, but not limited to, **impersonation**, cheating and use of crib sheets.

xxx.

After perusing the records of the case, We affirm the finding of respondent CSC of substantial evidence to warrant a finding of serious dishonesty on the part of petitioner.

In administrative cases, substantial evidence is required to support any finding. Substantial evidence is such relevant evidence as a reasonable mind may accept as adequate to support a conclusion. The requirement is satisfied where there is reasonable ground that the petitioner is guilty of the act or omission complained of, even if the evidence might not be overwhelming.<sup>[12]</sup>

The Decision of the CSC, being the administrative body tasked to hear and decide administrative matters, was based on substantial evidence. Factual findings of administrative bodies, being considered experts in their field, are binding on the Courts.<sup>[13]</sup> As a rule, these factual findings are not reviewable by Courts. The records clearly reveal that the petitioner was duly investigated by the CSC. Thus, We accord credence on its findings, to wit:

The Commission finds no compelling reason to deviate from the assailed decision. The evidence on which the CSCRO No. X anchored its findings of Serious Dishonesty against Hadji-Edaros is substantial. Be it stressed that the quantum of evidence required in administrative cases is only