Republic of the Philippines
Supreme Court
Manila

EN BANC

IN RE: ALLEGED CIVIL SERVICE EXAMINATIONS IRREGULARITY OF MR. VILLAMOR D. BAUTISTA, CASHIER I, AND MS. ERLINDA T. BULONG, CLERK IV, OFFICE OF THE CLERK OF COURT, BOTH OF THE MUNICIPAL TRIAL COURT IN CITIES, SANTIAGO CITY, ISABELA	**A.M. No. 16-03-29-MTCC**
X - X	
IN RE: ANONYMOUS COMPLAINT AGAINST DOCKET CLERK ERLINDA BULONG, OFFICE OF THE CLERK OF COURT, MUNICIPAL TRIAL COURT IN CITIES, SANTIAGO CITY, ISABELA	**A.M. No. 17-01-16-MTCC**

Present:

PERALTA, *C.J.*,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,*
GESMUNDO,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ,
DELOS SANTOS,**
GAERLAN, and
BALTAZAR-PADILLA,*** *JJ.*

Promulgated:
September 29, 2020

* On leave.
** On leave.
*** On leave.

DECISION

PER CURIAM:

Before the Court are two administrative complaints for Grave Misconduct, Dishonesty, and Falsification of Public Documents against two employees of the Office of the Clerk of Court, Municipal Trial Court in Cities (MTCC), Santiago City, Isabela: Villamor D. Bautista (Bautista), Cashier I, and Erlinda Bulong (Bulong), Docket Clerk.

Antecedents

In a letter[1] dated 28 January 2016, the Civil Service Commission (CSC) referred to the Office of the Court Administrator (OCA) the results of its investigation into alleged serious dishonesty committed by Bautista and Bulong.

The charges stem from irregularities in taking the civil service exam. Bautista supposedly took the civil service exam on 19 June 1997 in Quezon City, while Bulong took the exam on 24 May 1998 in Tuguegarao City, Cagayan. However, the CSC found discrepancies when it compared the photos in their Personal Data Sheets (PDS) to their photos in the picture seating plan during their respective exams.

Meanwhile, the OCA received an anonymous complaint[2] proffering the same allegations against Bulong.

The OCA directed Bautista and Bulong to comment on the CSC's report.[3] In his Comment,[4] Bautista denied the charge and maintained that he has been serving the Judiciary faithfully since 1997. On the other hand, Bulong denied the allegation saying that she did not take the civil service exam but instead availed of the "cultural minority eligibility" since she was an *Ybanag*.[5]

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1 *Rollo* (A.M. No. 16-03-29-MTCC), pp. 2-3.
2 Docketed as A.M. No. 17-01-16-MTCC.
3 *Rollo* (A.M. No. 16-03-29-MTCC), p. 36.
4 *Id.* at 55-56.
5 *Id.*. at 53-54.

In a Resolution[6] dated 20 March 2017, the Court ordered the complaints to be consolidated and referred to Executive Judge Alexander De Guzman for investigation, report, and recommendation.[7]

In his Report,[8] Judge De Guzman found Bautista and Bulong administratively liable. First, Judge De Guzman found that there was indeed another person who took the civil service exam in Bulong's name, but she denied knowing that person. She also denied taking the civil service exam, but admitted reflecting the results thereof in her PDS, making it appear that she did take and pass the exam. She claimed that she made a mistake and pleaded for mercy since she did not use the same to apply for a promotion.

Second, Judge De Guzman held that Bautista failed to substantiate his claim that he personally took the exam and submitted his own picture for that purpose. Judge De Guzman found Bautista's explanation for why the picture of another person appears in the picture seat plan to be insubstantial. The investigating judge noted that Bautista cannot deny the identity of the person who took the exam because he himself knew the person to be Romeo Gatcheco, former sheriff of Branch 1, MTCC Santiago City.

Findings of the
Office of the Court Administrator

The OCA adopted Judge De Guzman's findings and recommendation.[9] The OCA found that while Bulong admitted that she did not take the civil service exam and claimed to not know who actually did take it, she still claimed the result as her own. It was noted that the test result is reflected in Bulong's PDS. The OCA also brushed aside Bulong's claim that the irregularity is part of a plot concocted by her husband's mistress, who supposedly has relatives in the CSC.

As to Bautista, the OCA held that his denials were unsupported by any corroborating testimony. The OCA also rejected Bautista's claim that he did not know the person whose picture appears in the picture seat plan, noting that even Judge De Guzman recognized that person as a former Santiago City MTCC employee; hence, Bautista's former co-worker.[10]

6 *Rollo* (A.M. No. 17-01-16-MTCC), pp. 4-5.
7 *Rollo* (A.M. No. 16-03-29-MTCC), p. 60.
8 *Id.* at 67-68.
9 *Id.* at 97-101.
10 *Id.* at 99.

The OCA averred that while neither Bautista nor Bulong used the falsified civil service eligibility for promotion, both "enjoyed their respective permanent positions without the requisite eligibility."[11]

The OCA recommended that Bautista and Bulong be found guilty of Grave Misconduct, Dishonesty, and Falsification of Public Documents, and dismissed from the service with forfeiture of retirement benefits and disqualification from government employment.[12]

Further, the OCA also recommended the forfeiture of Bautista's accrued leave credits from the day of his appointment as Cashier I (09 December 1997) until the present because he was ineligible for the position.

Issue

The lone issue now before the Court is whether Bautista and Bulong are guilty of Grave Misconduct, Dishonesty, and Falsification of Public Documents.

Ruling of the Court

The Court adopts the findings and recommendation of the OCA.

Republic Act No. 9416[13] has declared "any form of cheating in civil service examinations" to be **illegal and unlawful**. Specifically, Section 3 (b) defines cheating, to wit:

> (b) Cheating — refers to any act or omission before, during or after any civil service examination that will directly or indirectly undermine the sanctity and integrity of the examination such as, but not limited to, the following:
>
> (1) Impersonation;
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> xxx

[11] *Id.* at 100.
[12] *Id.* at 101.
[13] An Act Declaring as Unlawful Any Form of Cheating in Civil Service Examinations, Unauthorized Use and Possession of Civil Service Commission (CSC) Examination-Related Materials, and Granting the CSC Exclusive Jurisdiction Over These Cases Including Those Committed by Private Individuals (2007).

(7) Possession and or use of fake certificate of eligibility; xxx

These are the acts being attributed to Bautista and Bulong. Both deny the charges and claim lack of knowledge of the irregularity, but the evidence, nonetheless, bears out their guilt.

An examination of the picture seat plan[14] which bears the name of Bautista clearly shows the picture of a person different from the person whose picture appears in Bautista's PDS.[15] The signature used by Bautista in his PDS[16] is also unmistakably different from the signature that appears on the picture seat plan.[17]

Bautista never explained these glaring discrepancies. Instead, Bautista relies only on denial. However, "[i]t is well-settled that denial is an inherently weak defense. To be believed, it must be buttressed by strong evidence of non-culpability; otherwise, such denial is purely self-serving and is with no evidentiary value."[18]

No such evidence was offered by Bautista. On the contrary, the evidence shows that the person whose picture appears on the picture seat plan is Bautista's former co-worker, and someone known enough within the Santiago City MTCC for Judge De Guzman himself to recognize. Bautista did not deny this fact; indeed, he did not even address this important point in his explanation.

Interesting, too, is that Bautista never proffered evidence to support his claim that he took the exam himself. The only conclusion is that such exonerating evidence does not exist.

On the other hand, Bulong's claim of her own lack of knowledge fails to persuade. It is noteworthy that the signature on the picture seat plan appears to be similar to Bulong's signature on her PDS. Likewise, the person who signed the picture seat plan gave the exact same date as her birthday. Yet, the photo[19] that appears on the picture seat plan is of a person

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[14] *Rollo* (A.M. No. 16-03-29-MTCC), p. 32.
[15] *Id.* at 28.
[16] *Id.*
[17] *Id.* at 32.
[18] *Anonymous Complaint dated May 3, 2013, Re: Fake Certificates of Civil Service Eligibility of Ragel, et al.*, A.M. No. 14-10-314-RTC, 28 November 2017.
[19] *Rollo* (A.M. No. 16-03-29-MTCC), p. 34.

indubitably different from the person whose picture appears in Bulong's PDS.[20]

Bulong never even claimed that she took the exam herself, explaining that she had gained her civil service eligibility as a member of a cultural minority.[21] She, however, has not given a sufficient explanation why her name, signature, and birthday appeared in the picture seat plan. Instead, Bulong accuses her husband and his mistress of conspiring against her.

Pinning the blame on a nefarious plot by a wayward husband and his mistress is not even new. In *Office of the Court Administrator v. Bermejo*,[22] the offender employed the same tired tactic to evade liability. The Court in that case noted that Bermejo was unable to explain how her husband and his mistress could have manipulated the CSC personnel and persuade another person to take the exam in her name.

Needless to say, the Court was not swayed then and it is not swayed now.

Bulong did not present any evidence to support this claim. Neither did she explain why they devised the scheme against her. Morever, if there was indeed such a scheme, Bulong never informed the CSC, her superiors in the MTCC, or even this Court, of this plot.

As the Court has previously noted, "[i]n the offense of impersonation, there are always two persons involved. The offense cannot prosper without the active participation of both persons."[23] That she claimed the test results as her own further convinces the Court that the plot was known to Bulong.

Also noteworthy is that neither Bautista nor Bulong disputed the authenticity of the picture seat plan.

The records of the CSC are "presumed correct and made in the regular

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[20] *Id.* at 30.
[21] *Id.* at 30.
[22] A.M. No. P-05-2004, 14 March 2008.
[23] *Re: Civil Service Examination Irregularity (Impersonation) of Ms. Elena T. Valderoso, Cash Clerk II, Office of the Clerk of Court, Municipal Trial Court in Cities, Antipolo City*, A.M. No. P-16-3423, 16 February 16, 2016.

course of official business."[24] In particular, the Court has recognized the picture seat plan as "a public document which is admissible in evidence without need of proof of its authenticity and due execution."[25] As such, "the entries thereof made in the course of official duty are *prima facie* evidence of the facts stated therein."[26]

The Court has also upheld the presumption of regularity in the performance of official duties of the CSC personnel, thus:

> Those government employees who prepared the [picture seat plan] and who supervised the conduct of the Career Service Sub-Professional Examination xxx, enjoy the presumption that they regularly performed their duties and this presumption cannot be disputed by mere conjectures and speculations.[27]

Both Bautista and Bulong failed to overcome the presumption of regularity in administering the civil service exam. They also did not present any proof to counter the CSC's documentary evidence.

More importantly, Bautista and Bulong have not satisfactorily explained why they claimed the results of the exams in their PDS. If it is true that they have no knowledge of the irregularity on taking the exam, they should not have claimed these results in their PDS knowing the same to be false information.

Even if the Court were inclined to believe they were not party to the irregularity, it does not overturn the fact that they knowingly used the false Certificate of Eligibility for their own advantage.[28]

On this matter, the law and CSC rules are clear: "the use of a false certificate of eligibility constitutes an act of dishonesty under civil service rules warranting the penalty of dismissal."[29] The same acts also "resulted to the prejudice of the government and the public in general,"[30] which the Court

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[24] *Dumduma v. CSC*, G.R. No. 182606, 04 October 2011.

[25] *CSC v. Vergel de Dios*, G.R. No. 203536, 04 February 2015.

[26] *Office of the Court Administrator v. Bermejo*, A.M. No. P-05-2004, 14 March 2008. *Supra at note 22.*

[27] *CSC v. Vergel de Dios*, *supra at note 25*, citing *Donato v. CSC Regional Office 1*, G.R. No. 165788, 07 February 2007.

[28] *See Re: Alleged Illegal Acquisition of a Career Service Eligibility of Ma. Aurora P. Santos*, A.M. No. 05-5-05-CA, 27 January 27 2006.

[29] *Id.*

[30] *See Re: Complaint of the Civil Service Commission, Cordillera Administrative Region, Baguio City against Rita S. Chulyao*, A.M. No. P-07-2292. 28 September 2010.

will never countenance.

In claiming the results of the civil service exam **they did not take** as their own and reflecting the same in their PDS, Bautista and Bulong committed Dishonesty and Falsification of Official Document. Falsification of the PDS is considered a "dishonest act related to [their] employment"[31] and "shows lack of integrity or a disposition to defraud, cheat, deceive or betray and an intention to violate the truth."

Finally, the court agrees with the OCA's recommendation on the penalty to be imposed on the transgressing employees.

Section 9 of R.A. No. 9416 states:

> SECTION 9. Administrative Liability. — Any person found administratively liable under any of the acts mentioned above, shall be liable for serious dishonesty and grave misconduct and shall be dismissed from the service with all the accessory penalties for government employees. Nongovernment employees found administratively liable shall be perpetually barred from entering government service and from taking any government examination.

Meanwhile, the 2017 Rules on Administrative Cases in the Civil Service (RAACCS)[32] makes the following classification of offenses:

> Rule 10
> ADMINISTRATIVE OFFENSES AND PENALTIES
>
> **Section 50.** ***Classification of Offenses.*** Administrative offenses with corresponding penalties are classified into grave, less grave and light, depending on the depravity and effect on the government service.
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> A. The following grave offenses shall be punishable by dismissal from the service:
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> 1. **Serious dishonesty**;
> 2. Gross Neglect of Duty;
> 3. **Gross Misconduct**;
> 4. Being Notoriously Undesirable;
> 5. Conviction of Crime Involving Moral Turpitude;

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[31] *Re: Anonymous Letter Complaint vs. Judge Samson*, A.M. No. MTJ-16-1870, 06 June 2017.

[32] CSC Resolution No. 1701077, 03 July 2017. Emphasis supplied. See also *Re: Alleged Dishonesty and Falsification of Civil Service Eligibility of Mr. Samuel R. Ruñez. Jr.*, A.M. No. 2019-18-SC, 28 January 2020.

6. **Falsification of Official Document**;
xxx (Emphasis supplied.)

Bautista and Bulong are both guilty of Serious Dishonesty, Grave Misconduct, and Falsification of Official Document. These are all grave offenses, making them unfit to remain as public servants and employees of the judiciary.[33]

By their acts, Bautista and Bulong "failed to take heed of the Code of Conduct for Court Personnel, which regards all court personnel as sentinels of justice expected to refrain from any act of impropriety."[34] The Court has always maintained that Judiciary employees are required to strictly and faithfully adhere to the highest degree of ethical conduct. In failing to do so, Bautista and Bulong have forfeited their place in its esteemed halls.

While the OCA recommended the forfeiture of Bautista's leave credits from the time of his employment in the judiciary because he was not qualified for the position, the Court, however, finds no legal basis for the same. In *Cabanatan v. Molina*,[35] where a sheriff of the Regional Trial (RTC) was dismissed from the service, the Court, in ordering the forfeiture of therein respondent's retirement benefits, **except his accrued leave credits**,[36] applied by analogy, Rule 140, Section 11(1) of the Rules of Court on the discipline of judges and justices of the Sandiganbayan and the Court of Appeals, to wit:

> SEC. 11. *Sanction.* - A. If the respondent is guilty of a serious charge,[37] any of the following sanctions may be imposed:
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> 1. Dismissal from the services, forfeiture of all or part of the benefits as the Court may determined, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations, **Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits**;
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> xxxx (Emphasis supplied.)

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[33] *Bartolata v. Julaton*, A.M. No. P-02-1638, 06 July 2006.
[34] *CSC v. Longos*, A.M. No. P-12-3070, 11 March 2014.
[35] A.M. No. P-01-1520, 21 November 2001.
[36] See *also CSC v. Sta. Ana*, A.M. No. P-03-1696, 30 April 2003 and *CSC v. Hadji Ali*, A.M. No. SCC-08-11-P, 18 June 2013.
[37] SEC. 8. *Serious charges.* – Serious charges include:
xxx
2. Dishonesty xxx

The Court also notes that in previous cases[38] of Dishonesty committed through falsification of civil service eligibility, impersonation, or falsification of the PDS, where the penalty imposed is dismissal from the service with forfeiture of all retirement benefits, the Court explicitly excludes accrued leave benefits from such forfeiture.

WHEREFORE, the foregoing premises considered, the Court finds:

(1) Villamor D. Bautista, Cashier I, Office of the Clerk of Court, Municipal Trial Court in Cities, Santiago City, Isabela **GUILTY** of Grave Misconduct, Dishonesty, and Falsification of Public Documents. He is **DISMISSED** from the service, with **FORFEITURE** of all retirement benefits, excluding accrued leave credits, with disqualification to re-employment in the government or any of its subdivisions, instrumentalities, or agencies, including government-owned or controlled corporations, and without prejudice to any criminal and/or civil liability in a proper action; and

(2) Erlinda Bulong, Docket Clerk, Office of the Clerk of Court, Municipal Trial Court in Cities, Santiago City, Isabela **GUILTY** of Grave Misconduct, Dishonesty, and Falsification of Public Documents. She is **DISMISSED** from the service, with **FORFEITURE** of all retirement benefits, excluding accrued leave credits, and with prejudice to re-employment in the government or any of its subdivisions, instrumentalities, or agencies, including government-owned or controlled corporations, and without prejudice to any criminal and/or civil liability in a proper action.

SO ORDERED.

DIOSDADO M. PERALTA
Chief Justice

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[38] *See Momongan v. Sumayo*, A.M. No. P-10-2767, 12 April 2011; *CSC v. Longos*, A.M. No. P-12-3070, 11 March 2014; *Bartolata v. Julaton*, A.M. No. P-02-1638, 06 July 2006; *Re: Alleged Dishonesty and Falsification of Civil Service Eligibility of Mr. Samuel R. Ruñez, Jr.*, *supra at note 32*; *Anonymous Complaint dated May 3, 2013, Re: Fake Certificates of Civil Service Eligibility of Ragel, et al.*, A.M. No. 14-10-314-RTC, 28 November 2017, *supra at note 18*; *Re: Civil Service Examination Irregularity (Impersonation) of Ms. Elena T. Valderoso*, A.M. No. P-16-3423, 16 February 16, 2016, *supra at note 23*; *Dumduma v. CSC*, G.R. No. 182606, 04 October 2011, *supra at note 24*; *Office of the Court Administrator v. Bermejo*, *supra at note 22*; *Bartolata v. Julaton*, *supra at note 33*; and *Re: Alleged Illegal Acquisition of a Career Service Eligibility of Ma. Aurora P. Santos*, *supra at note 28*.

ESTELA M. PERLAS-BERNABE
Associate Justice

MARVIC MARIO VICTOR F. LEONEN
Associate Justice

(On leave)
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

ALEXANDER G. GESMUNDO
Associate Justice

RAMON PAUL L. HERNANDO
Associate Justice

ROSMARI D. CARANDANG
Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

MARIO V. LOPEZ
Associate Justice

(On leave)
EDGARDO L. DELOS SANTOS
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

(On leave)
PRISCILLA J. BALTAZAR-PADILLA
Associate Justice