



Mis-DC Batt
MISAEL DOMINGO C. BATTUNG III
Deputy Division Clerk of Court
Third Division

NOV 08 2019

Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

MELVIN G. SAN FELIX,
Petitioner,

G.R. No. 198404

Present:

PERALTA, J.,
Chairperson,
LEONEN,
REYES, A. JR.,
HERNANDO, and
INTING, JJ.

versus

Promulgated:

CIVIL SERVICE COMMISSION,
Respondent.

October 14, 2019

X ----- *Mis-DC Batt* ----- X

DECISION

HERNANDO, J.:

Challenged in this petition¹ is the October 28, 2010 Decision² and August 11, 2011 Resolution³ of the Court of Appeals (CA) in CA-G.R. CEB-SP No. 03560, which affirmed the January 19, 2007 Resolution No. 070100⁴ and April 28, 2008 Resolution No. 080780⁵ of the Civil Service Commission (CSC), which found petitioner Melvin G. San Felix (San Felix) guilty of dishonesty and meted him the penalty of dismissal from service together with the accessory penalties of disqualification from reemployment in the government service, cancellation of eligibility, forfeiture of retirement benefits, and bar from taking civil service examination.

¹ *Rollo*, pp. 25-47.

² *CA rollo*, pp. 156-163; penned by Associate Justice Agnes Reyes-Carpio and concurred in by Associate Justices Pampio A. Abarintos and Edgardo L. Delos Santos.

³ *Id.* at 204-205.

⁴ *Id.* at 44-52.

⁵ *Id.* at 53-57.

The Antecedents

On March 8, 2001, the CSC Regional Office No. 6 of Iloilo City charged petitioner San Felix with dishonesty for allegedly conspiring with and allowing another person to take, in his behalf, the Police Officer I Examination held on March 29, 1998.⁶ The CSC noted that the picture and the signature of San Felix in the application form and the seat plan were not identical with those found in petitioner's Personal Data Sheet (PDS). Thus, the CSC Regional Office No. 6 arrived at the conclusion that San Felix conspired with another person by allowing the latter to impersonate him and take the examination in his behalf, indicating in all the pertinent documents the personal circumstances of San Felix and writing his name and affixing his signature therein.

In his Answer,⁷ petitioner denied having conspired with another person to impersonate him and take in his behalf the Police Officer I Examination on March 29, 1998. He insisted that he personally took the said examination. He explained that the disparity in the pictures in his application form and in the seat plan with those in the PDS might be due to a mix-up or that his picture was interchanged or replaced with another person's picture.

Thereafter, petitioner filed a Motion to Dismiss⁸ asserting that by virtue of the ruling in *Civil Service Commission v. Court of Appeals*,⁹ the CSC has been divested of its authority and jurisdiction to conduct entrance examination or promotional examination to the members of the Philippine National Police (PNP). In the said case, the Supreme Court ordered the CSC to desist from further conducting any promotional examination for police officers (POs) and senior police officers (SPOs). However, the CSC Regional Office No. 6 of Iloilo City denied¹⁰ petitioner's Motion to Dismiss and directed the hearing officer to continue with the formal investigation.

Ruling of the CSC Regional Office

Thus, on July 19, 2004, the CSC Regional Office No. 6 of Iloilo City rendered its Decision¹¹ which found petitioner guilty of dishonesty and meted him the penalty of dismissal with the accessory penalties of disqualification for reemployment in the government service, cancellation of eligibility, forfeiture of retirement benefits, and bar from taking any civil service examination. It found that the picture on the seat plan was in fact different from the picture on petitioner's PDS dated August 26, 1997 and May 2, 1998. Also, petitioner's signature in his PDS was different from the signature affixed in the seat plan. The CSC held that the significant differences in the strokes

⁶ *Id.* at 27-29.

⁷ *Id.* at 30.

⁸ *Id.* at 31-32.

⁹ G.R. No. 141732 (Resolution), September 25, 2001.

¹⁰ *CA rollo*, pp. 33-35.

¹¹ *Id.* at 36-43.

and general appearances of the two sets of signatures only proved that the two signatures were not written nor signed by one and the same person.

Ruling of the CSC Proper

The CSC issued its January 19, 2007 Resolution No. 070100¹² which dismissed petitioner's appeal and affirmed the July 19, 2004 Decision of the CSC Regional Office No. 6 of Iloilo City. It ruled that the decision of the Supreme Court in *Civil Service Commission v. Court of Appeals* has prospective application. Thus, CSC's acts of administering examination for members of the PNP, prosecuting violations thereof, and issuing Police Officer I eligibility were deemed effective from the time of issuance of CSC Resolution No. 96-5487 on August 26, 1996 until the promulgation of the decision of this Court in *Civil Service Commission v. Court of Appeals* on September 25, 2001. The CSC Resolution No. 96-5487 enjoyed the presumption of regularity from the time of its issuance until the promulgation of the Supreme Court's decision declaring the said resolution null and void. Hence, the CSC has jurisdiction over the subject incident.

Moreover, the CSC held that petitioner's declaration in his PDS that he passed the Police Officer I Examination made him liable for falsification of a document by making untruthful statement in a narration of facts as defined under Article 171, paragraph 4 of the Revised Penal Code (RPC). By making a false statement in his PDS to make him appear eligible for appointment as Police Officer I, petitioner prejudiced other qualified applicants for the same position.

Petitioner filed a motion for reconsideration which was denied by the CSC in its April 28, 2008 Resolution No. 080780.¹³

Ruling of the Court of Appeals

The appellate court dismissed petitioner's petition for review and affirmed *in toto* CSC's January 19, 2007 Resolution No. 070100.¹⁴ The CA sustained the jurisdiction of the CSC to investigate the alleged examination taken by petitioner and to impose upon him the appropriate penalty or sanction. The CA opined that *Civil Service Commission v. Court of Appeals* did not completely divest the CSC of its original jurisdiction over all cases involving civil service examination anomalies or irregularities. What the Supreme Court invalidated was Item No. 3 of CSC Resolution No. 96-5487 because it was considered an encroachment on the exclusive power of the National Police Commission (NPC) under Section 32 of Republic Act (R.A.) No. 6975 to administer promotional examinations for police officers and to impose qualification standards for promotion of PNP personnel to the ranks of PO2 up to Senior Police Officers 1-4. Moreover, *Civil Service Commission*

¹² Supra note 4.

¹³ Supra note 5.

¹⁴ Supra note 2.

v. Court of Appeals merely ordered the CSC to desist from further conducting any entrance and promotional examination for police officers and senior police officers, but did not expressly prohibit the Commission from pursuing any investigation regarding anomalies committed on previous examinations.

Finally, the CA held that petitioner was given ample opportunity to defend himself. His failure to present additional evidence was a waiver on his part and not a denial of his right to due process. Besides petitioner and his counsel were the ones who failed to attend the hearings scheduled for the reception of their evidence.

Petitioner filed a motion for reconsideration which was denied by the appellate court in its August 11, 2011 Resolution.¹⁵

Hence, petitioner filed this Petition for Review on *Certiorari* under Rule 45 raising the lone issue of whether or not the CSC has jurisdiction to conduct investigations and render administrative decisions based on alleged anomalies in police entrance and promotional examinations when it no longer had any authority after the creation of the NPC.

Petitioner argues that although the CSC was formerly vested with authority to administer the qualifying entrance examinations for police officers, the same was withdrawn with the enactment of R.A. No. 8551 which took effect on March 6, 1998 and mandated the NPC to administer both the entrance and promotional examinations for police officers. He argues that the authority of the NPC to administer the qualifying examination was upheld by the Supreme Court in *Civil Service Commission v. Court of Appeals* wherein it declared that the NPC has the exclusive power to administer the police entrance and promotional examinations.

Petitioner asserts that the appellate court's pronouncement that R.A. No. 8551 never expressly ordered the CSC to desist from investigating anomalies committed during such examinations, although the CSC no longer had the authority to conduct police entrance examinations, was flawed as it implied that the NPC only had supervisory powers regarding police examinations which was in direct contravention of existing laws and jurisprudence.

On the other hand, the CSC, through the Office of the Solicitor General (OSG), maintains that it is vested with jurisdiction over cases involving anomalies or irregularities in the civil service examination pursuant to Article IX (B) of the 1987 Constitution; Sections 4 and 6, Rule I of CSC Resolution No. 99-1936; and the Omnibus Civil Service Rules Implementing Book V of Executive Order No. 292.

¹⁵ Supra note 3.

Moreover, the CSC claims that Item No. 3 of CSC Resolution No. 96-5487 dated August 8, 1996, which required police officers and senior police officers to take and pass the CSC Police Officer Entrance Examination before being appointed, enjoyed the presumption of regularity from its issuance on August 26, 1996 until the promulgation of *Civil Service Commission v. Court of Appeals* by the Supreme Court on September 25, 2001, which nullified and voided Item No. 3 of CSC Resolution No. 96-5487.

The Court's Ruling

We find the petition without merit.

The CSC has the authority and jurisdiction to investigate anomalies and irregularities in the civil service examinations and to impose the necessary and appropriate sanctions. The Constitution grants to the CSC administration over the entire civil service.¹⁶ As defined, the civil service embraces every branch, agency, subdivision, and instrumentality of the government, including every government-owned or controlled corporation.¹⁷ Section 91 of R.A. No. 6975 or the *Department of Interior and Local Government Act of 1990* provides that the "Civil Service Law and its implementing rules and regulations shall apply to all personnel of the Department," to which herein petitioner belongs.

As the central personnel agency of the government, the CSC under Article IX-B, Section 3 of the Constitution shall:

[E]stablish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service. It shall strengthen the merit and rewards system, integrate all human resources development programs for all levels and ranks, and institutionalize a management climate conducive to public accountability. It shall submit to the President and the Congress an annual report on its personnel programs.

Furthermore, Section 12¹⁸ of Executive Order (E.O.) No. 292, otherwise known as the *Administrative Code of 1987*, enumerates the powers and functions of the CSC, to wit:

SEC. 12. *Powers and Functions.* — The Commission shall have the following powers and functions:

- (1) Administer and enforce the constitutional and statutory provisions on the merit system for all levels and ranks in the Civil Service;

¹⁶ CONSTITUTION (1987), Art. IX(B), Sec. 1.

¹⁷ The Administrative Code (1987), Book V, Title I, Subtitle A, Section 6; *id.*, Sec. 2.

¹⁸ *Id.*, Section 12.

x x x x

(7) Control, supervise and coordinate Civil Service examinations. x

x x

x x x x

(11) Hear and decide administrative cases instituted by or brought before it directly or on appeal, including contested appointments, and review decisions and actions of its offices and the agencies attached to it. x

x x

Specifically, Section 32 of R.A. No. 6975 vests upon the CSC the power to administer the qualifying entrance examinations for police officers on the basis of the standards set by NPC. Thus, the CSC issued Resolution No. 96-5487 dated August 8, 1996 which took effect on August 26, 1996 which provided that in order to be appointed to police officer and senior police officer positions in the PNP, the applicant is required to pass any of the following examinations: (a) INP Entrance Examination; (b) Police Officer 3rd Class Examination; and (c) CSC Police Officer Entrance Examination.

In case of irregularities or anomalies connected with the examinations, Section 28, Rule XIV of the Omnibus Civil Service Rules and Regulations specifically conferred upon the CSC the authority to take cognizance of said cases, thus:

Sec. 28. The Commission shall have original disciplinary jurisdiction over all its officials and employees and over all cases involving civil service examination anomalies or irregularities.

To carry out this mandate, the CSC issued Resolution No. 991936, or the Uniform Rules on Administrative Cases in the Civil Service, empowering its Regional Offices to take cognizance of cases involving CSC examination anomalies:

SECTION 6. *Jurisdiction of Civil Service Regional Offices.* — The Civil Service Commission Regional Offices shall have jurisdiction over the following cases:

A. Disciplinary

1. Complaints initiated by, or brought before, the Civil Service Commission Regional Offices provided that the alleged acts or omissions were committed within the jurisdiction of the Regional Office, including Civil Service examination anomalies or irregularities and the persons complained of are employees of agencies, local or national, within said geographical areas[.]

Based on the foregoing, the CSC undoubtedly, has jurisdiction to take cognizance of cases involving examination anomalies and irregularities which the commission itself administered. However, it bears noting that on March 6, 1998, R.A. No. 8551, which amended R.A. No. 6975, became effective transferring the power to administer and conduct entrance and promotional examinations to police officers from the CSC to the NPC on the basis of the standards set by the latter.¹⁹ Thus, as of March 6, 1998, the CSC had no more authority to administer entrance and promotional examinations for police officers. This has been affirmed in our Minute Resolution dated September 25, 2001 in G.R. No. 141732 in which we sustained the authority of the NPC to administer promotional examinations for police officers. However, the lack of authority of the CSC to conduct the examinations for Police Officer I on March 29, 1998 should not be used as a shield to petitioner's wrongdoing as he was not in good faith. As appropriately held by the Court of Appeals: "To rule otherwise would be tantamount to condoning petitioner's dishonesty during the March 29, 1998 Police Officer I Examination and allowing him to continue benefiting from the eligibility he acquired fraudulently."²⁰

Upon the effectivity of R.A. No. 8551, certain provisions of R.A. No. 6975, in regard to its operative effect, were considered amended or repealed. Hence, when the CSC conducted the qualifying entrance examinations for Police Officer I on March 29, 1998, which herein petitioner took and allegedly passed, it no longer had any authority to do so. Nonetheless, petitioner was granted a Police Officer I eligibility and was appointed to a police officer position in PNP Regional Office No. 6, Iloilo City by reason of his alleged passing of the subject examination.

To reiterate, as of March 6, 1998, the CSC had no more authority to conduct entrance and promotional examinations for police officer and senior police officer positions by virtue of R.A. No. 8551, which amended R.A. No. 6975. In effect, the CSC then had no power to grant police officer eligibility in order for an applicant to be appointed in a police officer and senior police officer position. Consequently, the said examination conducted on March 29, 1998 was without legal effect and conferred no rights in view of the effectivity of R.A. No. 8551 amending R.A. No. 6975.

Petitioner's reliance on the CSC's authority to conduct the Police Officer I Examinations on March 29, 1998 and conferment of police officer eligibility for allegedly passing the said exam could not serve as a bar to investigate the concomitant anomalies he committed since he was never in good faith to start with.

Indeed, petitioner has the right to assume that the CSC had performed its functions in accordance with the applicable law and he should not be prejudiced by the CSC's mistake in conducting an examination without an authority. However, petitioner cannot now impugn the validity of CSC

¹⁹ Republic Act No. 8551, Section 21.

²⁰ *CA rollo*, p. 162.

Resolution No. 96-5487 dated August 8, 1996 and enjoy its benefits, that is, the grant of Police Officer I Eligibility, when he, in fact, was not in good faith when he took the subject examination on March 29, 1998. The records show that petitioner committed an act of dishonesty when he allowed another person to take in his behalf the Police Officer I Examination dated March 29, 1998 which resulted in the conferment of eligibility upon him and later an appointment to a permanent status police officer position. Petitioner cannot challenge the CSC's authority to conduct said examination and at the same time rely on its effects only when the same redounded to his benefit. He cannot argue on the premise that at the time he took the examination he had no knowledge that the grant unto him of his police officer eligibility lacked legal basis by virtue of the enactment of R.A. No. 8551, as he himself was in bad faith when he cheated in order to pass the examinations and obtain a Police Officer I eligibility.

Furthermore, despite the fact that the CSC had no authority to administer entrance and promotional examinations for police officers, this did not divest the CSC of its jurisdiction to investigate on the veracity of the facts stated by a civil servant in his or her PDS. It is true that the NPC has the power and authority to administer entrance and promotional examinations for police officer and senior police officer positions and consequently, investigate on the anomalies and irregularities committed during said examinations. However, as the central personnel agency, the CSC has the original disciplinary jurisdiction over the act of petitioner in order to protect the integrity of the civil service system which is an integral part of the CSC's duty, authority and power as provided in Article IX-B, Section 3 of the Constitution by removing from its roster of eligibles those who falsified their qualifications. This should be distinguished from ordinary proceedings intended to discipline a *bona fide* member of the system, for acts or omissions that constitute violations of the law or the rules of service.²¹ Clearly, the NPC has no jurisdiction concerning matters involving the integrity of the civil service system.

Based on the foregoing, the CSC properly investigated the act of the petitioner of making false statements in his PDS, that is, his claim that he possesses the necessary civil service eligibility to be appointed in a police officer position as well as the discrepancy in his signatures in the PDS, in the application form and picture-seat plan of the Police Officer I Examination dated March 29, 1998. As held by this Court in *Inting v. Tanodbayan*,²² "the accomplishment of the Personal Data Sheet, being a requirement under the Civil Service Rules and Regulations in connection with employment in the government, the making of an untruthful statement therein was, therefore, intimately connected with such employment x x x."

²¹ *Civil Service Commission v. Albao*, 509 Phil. 530, 539 (2005), cited in *Capablanca v. Civil Service Commission*, 620 Phil. 62, 76 (2009).

²² 186 Phil. 343, 348 (1980), cited in *Lumancas v. Intas*, 400 Phil. 785, 799 (2000).

The evidence clearly shows that petitioner stated in his PDS that he has Police Officer I eligibility when the records show that he cheated on the March 29, 1998 examinations administered by the CSC by allowing another person take the said examination in his behalf. Petitioner stated in his PDS that he passed the Police Officer I Examination knowing fully well that it was not true because he did not take the said exam. As an aspirant for a police officer position, he has a legal obligation to disclose the truth regarding his personal circumstances in the PDS, which is a requirement for his employment.

In *Villordon v. Avila*,²³ this Court held:

This Court has already ruled in the past that willful concealment of facts in the PDS constitutes mental dishonesty amounting to misconduct. **Likewise, making a false statement in one's PDS amounts to dishonesty and falsification of an official document.** x x x

Dishonesty has been defined as "intentionally making a false statement on any material fact." Dishonesty evinces "a disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of integrity, lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray." (Emphasis ours)

Petitioner cannot justify his dishonest act on the fact that the CSC already lost its authority to administer the March 29, 1998 Police Officer I examinations because he cannot be considered to have acted in good faith in the first place. Petitioner's act of passing off in his PDS that he has hurdled successfully the Police Officer I examinations constituted malice on his part thereby negating any assertion of good faith. Neither can petitioner argue that his appointment was a permanent one which entitled him to security of tenure. A perusal of his appointment showed that the same was subject to the verification of his civil service eligibility which in this case, he evidently has none.

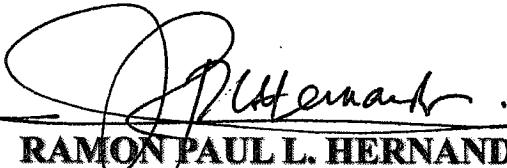
Finally, we note that petitioner was meted the accessory penalty of forfeiture of all his retirement benefits. The same however, must be modified to exclude forfeiture of his accrued leave credits.²⁴

WHEREFORE, the Petition is **DENIED**. The assailed October 28, 2010 Decision and August 11, 2011 Resolution of the Court of Appeals in CA-G.R. CEB-SP No. 03560 are **AFFIRMED** with **MODIFICATION** that the forfeiture of all his retirement benefits excludes his accrued leave credits.

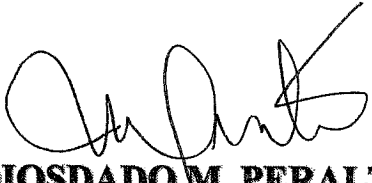
²³ 692 Phil. 388, 395-396 (2012).

²⁴ *Mallonga v. Manio*, 604 Phil. 247 (2009). See also *Office of the Court Administrator v. Besa*, 437 Phil. 372 (2002).

SO ORDERED.



RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


DIOSDADO M. PERALTA
Associate Justice
Chairperson

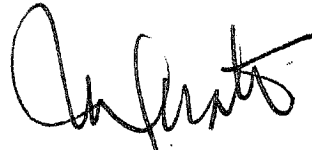
On official leave
MARVIC M.V.F. LEONEN
Associate Justice


ANDRES B. REYES, JR.
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**DIOSDADO M. PERALTA***Associate Justice**Chairperson***CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**LUCAS P. BERSAMIN***Chief Justice***CERTIFIED TRUE COPY**

Mis-DCBatt
MISAELO DOMINGO C. BATTUNG III
Deputy Division Clerk of Court
Third Division

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