

EN BANC

[A.M. No. P-05-2004 (Formerly OCA I.P.I. No. 05-2086-P), March 14, 2008]

**OFFICE OF THE COURT ADMINISTRATOR, Complainant, vs.
LOURDES F. BERMEJO, COURT STENOGRAPHER II, MUNICIPAL
TRIAL COURT IN CITIES, PUERTO PRINCESA CITY, Respondent.**

D E C I S I O N

PER CURIAM:

Before this Court is an administrative case for Dishonesty against Lourdes F. Bermejo, Court Stenographer II, stationed at the Municipal Trial Court in Cities (MTCC), Puerto Princesa City, Palawan.

On January 20, 2004, then Court Administrator Presbitero J. Velasco, Jr.^[1] received a letter from Consolacion C. Santos, Director IV of the Civil Service Commission (CSC) Regional Office No. 3, San Fernando, Pampanga, referring to the Office of the Court Administrator (OCA) an undated letter from a "concerned citizen" accusing Bermejo of using another name in taking her Civil Service Eligibility Examination, while another person took the same exam using Bermejo's name. Attached to the letter is a Memorandum dated August 14, 2003 of Nora S. Castro, Chief Personnel Specialist of the same CSC regional office, reporting that upon verification of the pictures attached to the anonymous letter and that of the Picture Seat Plan used during the exam, the person who purportedly impersonated Bermejo and the picture of the person in the seat plan using the name of Bermejo was the same person. The letter also states that because of this impersonation, Bermejo passed the exam and was able to use said eligibility to obtain a permanent appointment as a stenographer at the Puerto Princesa City MTCC. The real Bermejo allegedly also took the same exam under a different name, but failed.

In an Indorsement dated March 15, 2004, Court Administrator Velasco referred the anonymous letter to Bermejo for comment. In her handwritten Comment, Bermejo denied the allegations and said that she went through the proper process to obtain her civil service eligibility. She alleged that the charges were the handiwork of her husband's mistress who had been threatening to have her removed from the service. As regards the photographs attached to the letter, Bermejo said that she had inquired into the identity of the person who allegedly used her name in the exam and found that she was a childhood friend of her husband, but was currently serving sentence for adultery at the Correctional Institute for Women.

Bermejo also explained why she took the test in San Fernando, Pampanga. She allegedly applied to take the exam in Manila since her appointment was set to expire on July 15, 1998. However, she was informed that the next exam was on June 16, 1998. Learning that there was an exam scheduled earlier in San Fernando, she went there to see if she could take the exam there instead. And she did.

Subsequently, on July 16, 2004, Deputy Court Administrator Jose P. Perez directed Bermejo to explain the discrepancy between the picture on her personnel file and the picture of the person who took the examination using her name. According to DCA Perez, records of the OCA and of the CSC showed that Bermejo was not the same person who used Bermejo's name and took the sub-professional examination on May 27, 1998 in San Fernando, Pampanga.

In her reply, Bermejo alleged that she could not explain the discrepancy. She said that she personally took the exam and attached proof of her travel from Palawan to Manila and from Manila to Pampanga, as well as her Application Receipt to take the May 27, 2008 exam in San Fernando, with her name and picture appearing therein.

Bermejo stated that the person she suspected to be behind the case, her husband's mistress, had already passed away. She maintained that she did not know the person in the picture and said she could not find the same person, as the place where the latter allegedly lived had been razed by fire. She said that the only discrepancy she could own up to was that pertaining to her birth date, listed in her Certificate of Eligibility as "May 13, 1965," while her birth certificate indicated "May 13, 1968."

After investigation, the OCA submitted its evaluation and recommendation,^[2] stating thus:

EVALUATION: The focal issue here is factual - i.e., whether or not another person actually took the Civil Service Commission Sub-Professional eligibility test at San Fernando, Pampanga on 27 May 1998, using the name Lourdes F. Bermejo. In the affirmative, the corollary legal issue proceeds - i.e., whether or not it constitutes dishonesty as would merit a finding of administrative liability on the part of respondent.

At bar is an anonymous complaint, which respondent suspects is the handiwork of her husband's ["]other woman[."] In evidence is a certified copy of the Seat Plan of the examination concerned. Said document is of public record and indicates that it was duly checked and certified by the room examiner as well as counter-checked by the supervising examiner. The same indubitably bears out a different person appearing to take the exam using the name Lourdes F. Bermejo, whereas the real Lourdes F. Bermejo (whose picture matches the respondent's) is the one seated beside her. Respondent fails to overcome this evidence. Aside from the presumption of regularity in the execution of official documents, respondent in her two letters did not categorically deny the genuineness and due execution of the Seat Plan. Instead, she impliedly admitted the same by her defense that she could not anymore locate the person appearing atop her name.

We note that it took more than five (5) years for the supposed "concerned citizen" to assail the anomaly, and that the alleged motive imputed to complainant probably holds water. However, these, at best, are merely persuasive, circumstantial, and do not suffice to discount an evidence which tend directly to prove the fact in issue.

Coming to the next issue, it is our considered opinion that the circumstances constitute dishonesty, given the following considerations:

1) Respondent's insistent line is that she actually took the exam - which is misleading since she indeed took the same - but she kept mum on that (sic) she let another person use her name in taking the civil service examination;

2) Respondent asserts that the person who purportedly took the exam using the name Lourdes F. Bermejo was her husband's childhood peer who is now allegedly serving sentence for adultery and whose locality of origin was razed by fire. How she was able to figure out the details of said person, when she only supposedly met her briefly during [the] exam that took place more than five years ago, at a far place where respondent was a complete stranger, is suspect;

3) It should be stressed that as a matter of procedure, the room examiners assigned to supervise the conduct of a Civil Service examination closely examine the pictures submitted and affixed on the Picture Seat Plan (CSC Resolution No. 95-3964, Obedencio, Jaime A.). The examiners carefully compare the appearance of each of the examinees with the person in the picture submitted and affixed on the Picture Seat Plan. In cases where the examinee does not look like the person in the picture submitted and attached on (sic) the PSP, the examiner will not allow the said person to take the examination (CSC Resolution No. 95-5195, Taguinay, Ma. Theresa).

Hence, it is clear that somebody else took the CSC exam for respondent Lourdes F. Bermejo. For her to deny it and actually reap the benefits of passing the same, when in fact somebody else took it for her, constitutes dishonesty.

In similar cases, the Honorable Court is consistent in imposing the stern penalty of dismissal, pursuant to Section 23, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292. [Pls. see: CSC vs. Zenaida T. Sta. Ana, A.M. No. P-03-1696 (April 20, 2003); Cruz and Paitim vs. CSC, G.R. No. 144464 (Nov. 27, 2001); Floria vs. Sunga A.M. No. CA-01-10-PI (Nov. 14, 2001)].

RECOMMENDATION: Respectfully submitted for consideration of the Honorable Court is our recommendation that:

1. the instant complaint be docketed as a regular administrative matter; and
2. respondent Lourdes F. Bermejo, (sic) be found guilty of dishonesty and accordingly **DISMISSED** as Court Stenographer II, MTCC, Puerto Princesa City, with forfeiture of all her retirement benefits, except accrued leave credits, and with prejudice to reemployment in any branch or instrumentality of the government, including government-owned or controlled corporations.