

FIRST DIVISION

[G.R. No. 236050, June 17, 2020]

**ESTRELLA M. DOMINGO, PETITIONER, V. CIVIL SERVICE
COMMISSION AND VICTORINO MAPA MANALO, RESPONDENTS.**

D E C I S I O N

LAZARO-JAVIER, J.:

This Petition for Review assails the Decision^[1] dated June 1, 2017 and Resolution^[2] dated November 23, 2017 of the Court of Appeals in CA-G.R. SP No. 141408 finding petitioner Estrella M. Domingo (petitioner) guilty of grave misconduct, serious dishonesty, and conduct prejudicial to the best interest of the service.

Antecedents

Petitioner is the Chief Archivist of the Archives Preservation Division of the National Archives of the Philippines (NAP).^[3] On February 24, 2014, Mayor Strike B. Revilla of Bacoor City, Cavite, requested the NAP to provide resource speakers for a three (3)-day Basic Records Management Seminar Workshop and a two (2)-day Training on Paper Preservation from March 24-28, 2014 at the Productivity Center, Bacoor City, Cavite.^[4]

In reply, respondent Executive Director Victorino Mapa Manalo (respondent Manalo) initially confirmed to Josephine F. Austria (Austria), then Chief of the NAP's Training and Information Division, the availability of four resource persons, including petitioner, to the City Mayor, but only for the Basic Records Management Seminar Workshop.^[5] Austria prepared the draft conforme letter, draft Travel Order (the Office Order allowing the attendance of the four resource persons), schedule of events, and the Document Endorsement Form. Austria forwarded these documents to respondent Manalo.

In the Document Endorsement Form, however, respondent Manalo wrote his instruction putting on hold all in-house trainings until after April 1, 2014.^[6] He then returned the documents to Austria to revise the schedule of the attendance of the resource persons.

Austria did not endorse back the conforme letter, Travel Order, schedule of events, and the Document Endorsement Form to respondent Manalo, with the latter's revision. These documents hibernated in Austria's custody. As a result, Bacoor City's request was left in limbo.

Meantime, on April 10, 2014, petitioner applied for a leave of absence for the dates April 28-29, 2014. She thereafter personally received on April 26, 2014 a letter dated April 22, 2014 from Mayor Revilla inviting her to serve as resource speaker for the City of Bacoor's Basic Records Management Seminar on April 28-29, 2014 at

Tagaytay City. Her leave of absence coincided with the seminar. The April 22, 2014 request was expressly stated to be in lieu of the request earlier sent to the NAP.^[7]

On April 23, 2014, the City of Bacoor sent an email to the NAP requesting for its official seal to be used at the April 28-29, 2014 seminar.

Petitioner, together with Austria and Lara Marie R. Abejuela, attended the April 28-29, 2014 seminar at Tagaytay City. Petitioner acted as resource speaker for Basic Records Management. The NAP's handouts were presented and disseminated during this seminar.^[8]

On May 19, 2014, respondent Manalo issued a show cause memorandum relative to the conduct of the unapproved seminar and unauthorized use and dissemination of the NAP handouts.^[9]

Meantime, on June 26, 2014, the City of Bacoor thanked the NAP for the participation of petitioner and Austria as resource persons at the April 28- 29, 2014 seminar.

In her answer, petitioner apologized and admitted to acting as resource person without office approval. She however denied knowing for sure of the request's history. She averred that her information about the prior request only came from Austria who had informed her that a request in which she was one of the proposed speakers was still pending approval by respondent Manalo. She claimed that she had to grace the seminar as a resource speaker as she was a resident of Bacoor City and since Bacoor City had already prepared the seminar's venue while awaiting the NAP's approval.^[10] She also maintained that she had attended the seminar in her private capacity as she was on leave then.^[11]

On August 20, 2014, petitioner and Austria were formally charged with serious dishonesty, grave misconduct, and conduct prejudicial to the interest of public service while Abejuela was charged with simple misconduct.^[12] A formal investigation ensued.^[13]

Meanwhile, Austria availed of early retirement effective July 1, 2014 while Abejuela resigned on July 25, 2014.^[14]

The National Archives of the Philippines' (NAP) Ruling

By Decision^[15] dated November 14, 2014, the NAP found petitioner guilty as charged and dismissed her from the service with the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office and bar from taking civil service examinations.

According to the NAP, petitioner's act of attending the seminar as a resource speaker without prior office approval and use of official training materials were clear derogation of office rules, which constituted grave misconduct.

The NAP did not mention the specific rule that petitioner had violated for attending the seminar without prior office approval and not objecting to the dissemination of the NAP's materials during the seminar. It may be inferred though that the NAP was referring to Executive Order No. 77, series of 2019, *Prescribing Rules and Regulations and Rates of Expenses and Allowances for Official Local and Foreign*

Travels of Government Personnel, and its implementing NAP office procedures, as well as Section 176.1^[16] of the *Intellectual Property Code*.

The NAP ruled that petitioner's liability was aggravated by the fact that she had been charged with the same act when she conducted a seminar before the Dangerous Drugs Board on December 17, 2013. The NAP did not state or confirm the status of this charge though the NAP claimed that petitioner had apologized for this infraction and promised not to do it again.

The NAP found that petitioner did not inform the former of the scheduled seminar, instructed Abejuela not to inform the office about the seminar, filed her leave of absence days back for April 28-29, 2014, and appeared as resource speaker at the seminar.

According to the NAP, these acts constituted serious dishonesty because petitioner made it appear that she had the authority to represent the NAP. Petitioner's actions also constituted conduct prejudicial to the best interest of the service.

Meanwhile, the charges against Austria and Abejuela were mooted by their retirement and resignation, respectively, before they were formally charged.^[17]

Petitioner's motion for reconsideration was denied per Order^[18] dated December 5, 2014. Aggrieved, petitioner appealed her dismissal to the Civil Service Commission (CSC).

The Civil Service Commission's Ruling

By Decision^[19] dated April 23, 2015, the CSC affirmed. Petitioner's motion for reconsideration was denied under Resolution^[20] dated June 30, 2015.

The Proceedings before the Court of Appeals

Undaunted, petitioner elevated the case to the Court of Appeals *via* Rule 43 of the Rules of Court.

Petitioner reiterated her denial of personal knowledge about the request's history and the correspondence between the NAP and Mayor Revilla. She maintained that it was Austria who was in direct communication with respondent Manalo regarding the request. She pointed out NAP's customary practice of allowing petitioner to conduct seminars without office approval due to exigency of the service. More, she was without malice nor evil intent when she filed her leave on April 28 and 29, 2014 and proceeded without authorization. There was nothing to prove that she willfully, intentionally, flagrantly, and maliciously conducted the seminar without prior office approval to qualify the infraction as grave misconduct. There was also no concealment of truth as to constitute serious dishonesty. All in all, her allegedly innocent acts could not have amounted to conduct prejudicial to the best interest of the service.^[21]

On the other hand, the CSC, through the Office of the Solicitor General (OSG), countered that petitioner's guilt was supported by substantial evidence. The CSC pointed out petitioner's admission in her letter reply to respondent Manalo's show cause memorandum where she admitted she acted as a resource person without prior office approval. Petitioner's act manifested flagrant disregard of NAP's established rules and willful defiance of directives which amounted to grave

misconduct. Further, petitioner committed serious dishonesty when she made it appear that she had the authority to represent the NAP at the seminar, when she instructed Abejuela not to inform the NAP about the April 28-29, 2014 seminar, and filed their respective leaves of absence on these dates. Lastly, As Chief Archivist, petitioner was expected to exhibit honesty, exemplary professional conduct and ethics. These, she miserably failed to live up to and tantamount to conduct prejudicial to the best interest of the service.^[22]

The Court of Appeals' Ruling

Under Decision^[23] dated June 1, 2017, the Court of Appeals affirmed. Petitioner moved for reconsideration but the same was denied per Resolution^[24] dated November 23, 2017.

The Present Petition

Petitioner now seeks relief from the Court. She avers she honestly believed in good faith that there was no need to obtain prior approval as Mayor Revilla invited her in her personal capacity to be a resource speaker for the seminar. In addition, as the NAP failed to act on Mayor Revilla's letter request dated February 24, 2014, she took it upon herself to attend the seminar as a resource speaker to salvage both the reputation of the NAP and Bacoor City's expenses of putting up the event. Lastly, she claims that the penalty of dismissal is too harsh for the acts she had done considering her unblemished thirty-six (36) year record in government service.^[25]

In their comment,^[26] public respondents CSC, and the NAP represented by respondent Manalo, through the OSG defend the Court of Appeals' dispositions affirming petitioner's dismissal from the service. They reiterate their arguments before the Court of Appeals.

For purposes of resolving this petition for review on *certiorari*, we have to be mindful of the facts established below. This is because under Section 1, Rule 45, petitions of this kind shall raise only questions of law. The factual findings are binding upon us and only questions of law, and only from the Court of Appeals' disposition,^[27] may be litigated once again.^[28] While jurisprudence has laid down exceptions to this rule, any of these exceptions must be alleged, substantiated, and proved by the parties so the Court may in its discretion evaluate and review the facts of the case.^[29]

Petitioner does not invoke any of these exceptions.

The NAP, the CSC, and the Court of Appeals hinged petitioner's infractions and the penalty of dismissal from the service upon these facts:

- (1) petitioner is the NAP's Chief Archivist of the Archives Preservation Division of the NAP;
- (2) the NAP received on February 24, 2014 a letter from Mayor Strike B. Revilla of Bacoor City, Cavite, requesting the NAP to provide resource speakers for a three (3)-day Basic Records Management Seminar Workshop and a two (2)-day Training on Paper Preservation from March 24-28, 2014 at the Productivity Center, Bacoor City, Cavite;

- (3) respondent Manalo initially approved the participation of four resource persons, including petitioner, but later instructed the NAP to put on hold all in-house trainings until April 1, 2014;
- (4) respondent Manalo returned the necessary documents to Austria to reflect the revised schedule;
- (5) Austria did not endorse back the documents to respondent Manalo with the latter's revision; the documents instead hibernated in Austria's custody;
- (6) petitioner applied for leave on April 10, 2014 for the dates April 28- 29, 2014;
- (7) petitioner personally received on April 26, 2014 a letter dated April 22, 2014 from Mayor Revilla inviting her to serve as resource speaker for the City of Bacoor's Basic Records Management Seminar on April 28-29, 2014 at Tagaytay City, and stating that this invitation was in lieu of the earlier request sent to the NAP;
- (8) on April 23, 2014, the City of Bacoor sent an email to the NAP requesting for its official seal to be used at the April 28-29, 2014 seminar;
- (9) petitioner was informed by Abejuela of a pending request by the Bacoor City for the conduct of the same seminar in which she was one of the speakers, but still awaiting the NAP's approval;
- (10) petitioner instructed Abejuela not to inform the NAP about the April 28-29, 2014 seminar;
- (11) petitioner and Abejuela attended the April 28-29, 2014 seminar, in which NAP's handouts were presented and disseminated;
- (12) on June 26, 2014, the City of Bacoor thanked the NAP for the participation of petitioner and Austria as resource persons at the April 28-29, 2014 seminar;
- (13) petitioner admitted in her letter-reply to respondent Manalo's show cause memorandum that she had acted as a resource person without office approval at the April 28-29, 2014 seminar, and apologized for her acts; and
- (14) petitioner was previously charged with the same act when she allegedly conducted a seminar before the Dangerous Drugs Board on December 17, 2013.

Issue

Is petitioner liable for grave misconduct, serious dishonesty, and conduct prejudicial to the best interest of the service on the basis of the facts enumerated above?

Ruling

The issue presented before the Court is a question of law - what are the legal consequences in an administrative disciplinary proceedings of the facts above-mentioned? There is a question of law when the doubt or difference arises as to what the law is on a certain set of facts; a question of fact, on the other hand, exists when the doubt or difference arises as to the truth or falsehood of the alleged facts.

[30] The answer to this issue is a conclusion of law, that is, a legal inference made as a result of a factual showing where no further evidence is required.^[31]