FIRST DIVISION

[G.R. No. 238774, June 10, 2020]

CIVIL SERVICE COMMISSION, PETITIONER, VS. HILARIO J. DAMPILAG, RESPONDENT.

DECISION

LOPEZ, J.:

This Petition for Review on *Certiorari*[1] filed under Rule 45 of the Rules of Court seeks to set aside the Decision dated March 20, 2018[2] of the Court of Appeals (CA) in CA-G.R. SP No. 147131. The CA reversed the Decision No. 160324[3] dated February 29, 2016 and Resolution No. 1600574[4] dated June 6, 2016 of the Civil Service Commission (CSC), and exonerated Hilario J. Dampilag of two counts of serious dishonesty.

Facts

On November 27, 2014, an anonymous complaint[5] was filed before the Examination Services Division or the CSC-CordiIera Administrative Region (CSC-CAR) alleging that Dampilag committed an examination irregularity.[6]

Acting on the complaint, the CSC-CAR requested from the CSC Field Office-Baguio City a copy or Dampilag's Personal Data Sheet (PDS).[7] The PDS[8] accomplished on March 3, 1999 showed that Dampilag passed the Career Service Professional Examination (CSPE) held in Baguio City on December 1, 1996 with a rating of 81.89. [9] However, the CSC-CAR noted glaring disparities as to Dampilag's facial features and signatures in the Picture Seat Plan[10] (PSP) for the December 1, 1996 CSPE with those of Dampilag's PDS. Thus, in an Order dated December 2, 2014, the CSC-CAR directed Dampilag to comment to its findings.[11] Dampilag submitted his Affidavit of Explanation on February 5, 2015.[12]

After preliminary investigation, the CSC-CAR issued Resolution No. 15-00007 charging Dampilag with Serious Dishonesty, Falsification of Official Documents, and Grave Misconduct.[13] In the resolution, Dampilag was accused of allowing somebody to apply and take in his behalf the CSPE held on December 1, 1996 in Baguio City and rellected the result in his PDS, there by misleading the appointing authority to appoint him as Special Investigator I of the Department or Environment and Natural ResourcesCAR (DENR-CAR), and the CSC to approve his appointment. [14]

In his Answer, Dampilag admitted that he was not the person in the picture pasted in the PSP but his former board mate, a certain Bong Martin.[15] He explained that on the day of the examination, he had in his possession an improvised envelope

containing his and Bong's photos.[16] Pressed for time, he indiscriminately brought out the photographs, affixed his signature at the back of one of the photos, and submitted it to the exam proctor without verifying the actual photograph submitted.[17] As to the alleged variation in the signatures in the PDS and PSP, Dampilag claimed that the two signatures have notable similarities, and that any perceived disparities were accepted form because of the considerable lapse or time from the elate of examination to the accomplishment of the PDS.[18] In all, Dampilag argued lack of evidence of bad faith and lack or intent to mislead the appointing authority.[19]

In lieu of the scheduled pre-hearing conference and formal hearing, the CSC-CA R allowed Dampilag to submit his position paper.[20] In his position paper, Dampilag insisted that the handwriting and signature style appearing in the PDS and PSP were his own.[21] He submitted additional documents bearing his signature and executed on different dates to prove his varying signatures and hand writing over the years.[22]

On September 11, 2015, the CSC-CAR issued Decision No. 15-0058 finding Dampilag guilty of the offenses charged and imposed upon him the penalty of dismissal from the service.[23]

The CSC-CAR noted that the features of the person in the photograph pasted over the name Hilario J. Dampilag in the PSP were not similar with the features of Dampilag in the photograph pasted in his PDS accomplished on March 3, 1999. The CSC-CAR did not consider Dampilag's defense that it was pure inadvertence when he gave the picture of his former board mate instead of his own during the examination. The CSC-CAR was convinced that room examiners will not let any person take the examination if he did not look like the person in the picture submitted. Further, a comparison of the signature of Dampilag in the PDS against the signature of the purported examinee Hilario J. Dampilag in the PSP revealed immense disparities. The CSC-CAR concluded that another person took the CSPE for and in behalf of Dampilag. Since the prescribed forms for government examinations, such as the PSP and the PDS, once duly accomplished are considered official documents, by intentionally making false narration of material facts in these documents, Dampilag committed Serious Dishonesty, Falsitication of Official Document, and Grave Misconduct.

Dampilag's motion tor reconsideration was denied by the CSC-CAR in its Resolution No. 15-00023 dated October 28, 2015.[24]

Aggrieved, Dampilag filed his appeal memorandum to the CSC, reiterating that his submission of a different photograph was due to pure inadvertence and may be considered as excusable negligence.[25] He insisted that the alleged discrepancies between the signatures in the PSP and the PDS were not substantial and any slight variation was an accepted norm because handwriting and signatures of a person vary over time.[26]

On February 29, 2016, the CSC affirmed the findings of the CSC-CAR but found Dampilag guilty instead of two counts of serious dishonesty.[27]

The CSC found the dissimilarities and disparities in the photographs and signatures in the PSP and the PDS sufficient to conclude that another person took the examination for and in behalf of Dampilag. Further, Dampilag committed falsification of official document when he intentionally and consciously misrepresented in his PDS that he was a CSPE passer, and allowed another person to take the examination and sign in the PSP as him.

However, the CSC modified the decision of the CSC-CAR and found Dampilag liable instead for two counts of Serious Dishonesty pursuant to Section 3[28] of CSC Resolution No. 06-0538[29] dated April 4, 2006. The CSC ruled that Dampilag: (1) committed examination irregularity of impersonation by conniving and colluding with somebody to take the December 1, 1996 CSPE, and (2) employed fraud and falsification of official document by stating in his PDS dated March 3, 1999 that he passed the December 1, 1996 CSPE when he did not.

The dispositive portion of the February 29, 2016 decision reads:[30]

> **WHEREFORE**, the petition for review or Hilario J. Dampilag Special Investigator I, City Environment and Natural Resources Office (CENRO). [DENR-CAR], Baguio City, is hereby **DISMISSED**. Accordingly, the Decision No. 15-0058 dated September 11, 2015 and Resolution No. 15-00023 dated October 28, 2015 of the [CSC-CAR], Baguio City, finding him guilty of Serious Dishonesty, Falsification of Official Documents, and Grave Misconduct and imposing upon him the penalty of dismissal from the service with all the accessory penalties or cancellation of eligibility, forfeiture or retirement benefits, except terminal/accrued leave benefits and personal contributions to the GSIS if any, perpetual disqualification from holding public office and bar from taking civil service examinations; and denying his Motion for Reconsideration, respectively, are hereby **MODIFIED** as he is found **GUILTY** of two (2) counts of Serious Dishonesty and imposed upon him the penalty of dismissal from the service with all the accessory penalties aforestated.
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> Copies of this Decision shall be furnished the Commission on Audit-DENR-CAR and the Government Service Insurance System (GSIS), for their reference and appropriate action.
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> Quezon City.[31]

On reconsideration, Dampilag averred that the CSC failed to consider certain documents showing varying style of his signature and handwriting.[32]

He insisted that he inadvertently submitted the wrong picture and the act was not attended by malice.[33]

On June 6, 2016, the CSC denied the motion and ruled:

> **WHEREFORE**, the Motion for Reconsideration of Hilario J. Dampilag, Special Investigator I, [CENRO], [DENR-CAR] is hereby **DENIED**. Accordingly, CSC Decision No. 160324 dated February 29, 2016 which modified the Decision No. 15-0058 dated September 11, 2015 and Resolution No 15-00023 dated October 28, 2015 of the [CSC-CAR],

> Baguio City, finding him guilty of two (2) counts of Serious Dishonesty and imposing upon him the penalty of dismissal from the service with all the accessory penalties or cancellation or eligibility, forfeiture of retirement benefits, except terminal/accrued leave benefits and personal contribution to the GSIS, if any, perpetual disqualification from holding public office, and bar from taking Civil Service Examination, **STANDS**.
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> Quezon City.[34]

On appeal, the CA reversed the CSC and exonerated Dampilag of the offense. The CA noted that a copy of the PSP and PDS were not made part of the records of the CA.[35] With the absence of possible reference to find the existence of the alleged dissimilarities between the photograph and the signature in the PSP and PDS, the CA based its decision solely on the pieces of evidence submitted before it (*i.e.*, Affidavit of Mandy Doney, executed on January 9, 2002; Certification issued by the DENR-CAR, Land Management Services, executed on November 29, 2008; Certification of Land Investigation issued by the DENR-CAR, Land Management Services, executed on February 11, 2009; Certification pertaining to a free patent application, executed on October 8, 2013; Joint Affidavit in support of free patent application, executed on August 11, 1999).[36] Based on these documents, the CA concluded that Dampilag's signature indeed exhibited minor deviations from the manner in which he had affixed his signature in the past.[37] Accordingly, the C'A exonerated Dampilag, *viz*.:[38]

> xxx, [Dampilag] has consistantly contested the findings or the CSC-CAR and CSC regarding the perceived differences in his signature all throughout its proceedings. And while We would generally afford weight to these findings, in the absence or substantial evidence in support thereof and in light of the questions of fact raised by [Dampilag] in the instant petition, We deem it prudent to consider the evidence on record in which this Decision is based, and rule in favor of exonerating him for the offense charged.
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> **WHEREFORE**, premises considered, the instant Petition is hereby **GRANTED**. The assailed Decision and Resolution of the CSC dated February 29, 2016 and June 6, 2016 are **REVERSED** and **SET ASIDE**. Accordingly, the petitioner Hilario J. Dampilag is **EXONERATED** of the offense charged.
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> **SO ORDERED.**[39]

Hence, the CSC, through the Office of the Solicitor General (OSG), filed the instant petition before this Court.[40]

The OSG avers that the CA erroneously reversed the decision of the CSC despite being supported by substantial evidence. A comparison of the PDS and PSP showed glaring disparities as to Dampilag's signature that even a layman, using his naked eye, can readily see.

In compliance with this Court's Resolution[41] dated July 9, 2018, Dampilag filed his comment[42] on November 7, 2018.

Dampilag counters that there are no substantial discrepancies between his handwriting and signature in the PDS and in the PSP. He posits that he has the tendency of constantly changing the style of his signature as year passes by. This was supported by various documents that he submitted before the CA. Further, the CSC's conclusion that another person took the CSPE for and in his be half is not supported by substantial evidence, but mere conjectures and speculations considering that no handwriting expert was presented to render his opinion on the matter. As to the photograph in the PSP, Dampilag already explained that he inadvertently submitted the picture of his former board mate which was mixed with his in an improvised envelope that he had in his possession on the day of examination. The circumstances do not indicate malice to commit fraud on his part and can be considered as excusable negligence.

In its Reply,[43] the OSG avers that the submission of a different photograph in an examination cannot be considered as excusable negligence. As a matter of procedure, room examiners closely examine the pictures submitted and attached on the PSP, and compare the appearance of each of the examinees with the person in the picture submitted and affixed on the PSP. Further, the CSC examiners enjoy a presumption of regularity in the administration of civil service examinations. The OSG insists the stark differences between the handwriting and signatures of Dampilag in the PSP and in the PDS.

Ruling

Prefatorily, findings of facts of administrative agencies, such as the CSC, if based on substantial evidence, are controlling on the reviewing court. The CSC are better-equipped in handling cases involving the employment status of employees in the Civil Service since it is within the field of their expertise.[44] Moreover, it is not the function of the Supreme Court in a Rule 45 petition to analyze and weigh all over again the evidence presented before the lower court, tribunal or office. One of the recognized exceptions to this rule is when the findings of the CA are contrary to those of the lower court, tribunal or office, as in this case.

The CA exonerated Dampilag on the basis of absence of evidence on the records that will support the CSC's conclusion that there exists significant differences between the signatures of Dampilag in the PSP and in the PDS. According to the CA, since a copy of the PSP and the PDS were not made part of the records, "the alleged differences remain a mystery to th[e] [c]ourt."[45] Thus, the CA decided on Dampilag's guilt based on the evidence presented before it – the several affidavits and certifications which bore Dampilag's signature and executed over different dates. After careful examination, the CA concluded that Dampilag's signatures indeed vary over time.

In this petition, the CSC implores this Court to reverse the CA because the charges against Dampilag are well substantiated by evidence.

We rule in favor of the CSC.

The evidence on record is overwhelming to support the finding of the CSC that Dampilag employed another person to take the December 1, 1996 CSPE held in