

FIRST DIVISION

[G.R. No. 248255, August 27, 2020]

CIVIL SERVICE COMMISSION, PETITIONER, VS. MARILOU T. RODRIGUEZ, RESPONDENT.

DECISION

LAZARO-JAVIER, J.:

The Case

This Petition for Review on *Certiorari*^[1] assails the following dispositions of the Court of Appeals in CA-G.R. SP No. 08948-MIN, viz.:

- 1) Decision^[2] dated January 28, 2019 which reversed the Decision^[3] dated February 20, 2018 and Resolution^[4] dated July 31, 2018 of the Civil Service Commission (CSC) in Administrative Case No. D-2016-09009 finding respondent Marilou T. Rodriguez guilty of serious dishonesty, grave misconduct, and conduct prejudicial to the best interest of the service.
- 2) Resolution^[5] dated July 4, 2019 which denied petitioner's motion for reconsideration.

Antecedents

On June 7 and 8, 1988, respondent Marilou T. Rodriguez took the Nursing Licensure Examination (NLE) in Manila. Thereafter, she returned to her hometown in Mati, Davao Oriental to take care of her ailing father.^[6]

Sometime in October 1988, the results of the 1988 NLE were released and published in a national newspaper of general circulation. Unfortunately, respondent's name was not on the list of successful examinees.^[7]

This notwithstanding, however, sometime in 1989 she applied for and was accepted as staff nurse at the Davao Oriental Provincial Hospital. For this purpose, she submitted to the hospital and the CSC her supposed passing rate of 79.6% in the 1988 NLE and her "PRC Identification Card." She got accepted by the hospital and given permanent appointment status. She was later promoted as Nurse II. In 2001, she applied for promotion, for which, the hospital required her to submit an updated copy of her license as a registered nurse.^[8]

In her applications and appointments from April 1, 1989 to July 17, 2000, respondent consistently declared in her Personal Data Sheets that she took and passed the 1988 NLE with a rating of 79.6% and she possessed a valid PRC Identification Card.^[9]

In any event, she never got to submit to the hospital an updated copy of her license as a registered nurse.^[10]

On July 31, 2002, respondent resigned from the hospital.^[11] Thereafter, she worked abroad as: (1) staff nurse in Al Hayat Medical Center Doha, Qatar from 2008 to 2009; (2) staff nurse in Appolonia Dental Center, Abu Dhabi, United Arab Emirates from 2010 to 2011; and (3) psychosocial nurse at the International Committee on the Red Cross from 2012 to 2013.^[12]

In November 2009, she took the NLE again. This time, the results showed she passed the examination. Thereafter, she worked abroad again.^[13]

In 2013, she returned to the country for good. She then applied and got appointed as nurse at the Office of City Health Officer, Mati, Davao Oriental.^[14]

On December 16, 2014, she received a Show Cause Order from the CSC Regional Office No. XI why no administrative case should be filed against her in connection with her Personal Data Sheets dated March 9, 1989, April 19, 1989, April 25, 1991, September 3, 1992, September 16, 1994, and April 24, 2000, where she invariably stated that she passed the 1988 NLE with a rating of 79.6% and that she was a registered nurse with professional license no. 0158713.^[15] Per verification with PRC-Davao City, however, Regional Director Josephine C. Villegas-Liamzon certified that the PRC Identification Card with license no. 0158713 actually belonged to a certain "Ella S. Estopo."^[16]

Respondent did not comply with the show cause order.^[17]

On April 24, 2015, the CSC Regional Office No. XI formally charged respondent with serious dishonesty, grave misconduct, conduct prejudicial to the best interest of the service, and falsification of official documents.^[18]

In her answer,^[19] respondent admitted that her previous PRC Identification Card was fake, albeit she invoked good faith. She named one "Evelyn Sapon" as the person who made her believe that she was on the "deferred status" list insofar as the 1988 NLE was concerned. Sapon allegedly told her that she only needed to give her the "lacking documents" and pay P2,000.00 as processing fee. She trusted that the PRC Identification Card given her by Sapon was authentic. It was only in 2002 when she found out that her supposed PRC Identification Card was fake. Thus, on July 31, 2002, she resigned from the Davao Oriental Provincial Hospital. She had no intention to falsify her Personal Data Sheets. She honestly believed that she passed the 1988 NLE.

Ruling of the CSC Regional Office No. XI

By Decision^[20] dated April 8, 2016, the CSC Regional Office No. XI found respondent guilty of serious dishonesty, grave misconduct, conduct prejudicial to the best interest of the service, and falsification of official document. It ordered her dismissal from the service with the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office

and from taking the civil service examinations.^[21]

According to the CSC Regional Office No. XI, respondent failed to rebut the presumption that she was the material author of the fake PRC Identification Card. Other than her bare allegations, she failed to present evidence to prove that she did not participate in falsifying it. She also failed to give any satisfactory explanation how she procured the fake PRC Identification Card which she used to gain employment at the Davao Oriental Provincial Hospital from 1989 to 2002. Her misrepresentation that she was a registered nurse who scored a passing grade of 79.6% during the 1988 NLE even caused her to get promoted several times at the hospital.^[22]

Respondent's motion for reconsideration was denied under Resolution No. 16-00727 dated July 18, 2016.^[23]

Ruling of the CSC Proper

By Decision^[24] dated February 20, 2018, the CSC Proper affirmed with modification. It found that falsification of official document was already subsumed in the offense of serious dishonesty. Respondent was thus held liable for three (3) offenses only: (1) serious dishonesty; (2) grave misconduct; and (3) conduct prejudicial to the best interest of the service. The CSC Proper further clarified that respondent's accrued leave credits shall not be forfeited, *viz.*:

WHEREFORE, the Petition for Review of Marilou T. Rodriguez, Nurse II, City Health Office, City Government of Mati, Davao Oriental, is hereby **DISMISSED**. Accordingly, Decision No. 2016-13 dated April 8, 2016 issued by the Civil Service Commission Regional Office (CSC RO) XI, Davao City, which found her guilty of Serious Dishonesty, Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service, and Falsification of Official Documents, and imposing upon her the penalty of dismissal from the service with the accessory penalties of cancellation of eligibility, perpetual disqualification from holding public office, bar from taking civil service examinations and forfeiture of retirement benefits, except terminal/accrued leave benefits and personal contributions to the GSIS, if any, is **AFFIRMED with MODIFICATION** such that the offense of Falsification of Official Document is subsumed in the offense of Serious Dishonesty.

A copy of the Decision shall be furnished the Commission on Audit-City Government of Mati, Davao Oriental, for its reference and appropriate action.^[25]

Respondent's partial motion for reconsideration was denied under Resolution No. 1800793 dated July 31, 2018.^[26]

Proceedings before the Court of Appeals

In her Petition for Review^[27] with the Court of Appeals, respondent argued that the charges against her should have been dismissed on ground of mootness. Prior to the filing of the complaint, she had already resigned fifteen (15) years ago from the

position to which she got appointed using her spurious documents. She invoked good faith when she filled out her Personal Data Sheets dated March 9, 1989, April 19, 1989, April 25, 1991, September 3, 1992, September 16, 1994, and April 24, 2000.

The CSC, through the Office of the Solicitor General (OSG), countered that the charges against respondent were not mooted by her resignation as Nurse II in 2002 since administrative offenses do not prescribe. Too, respondent's claim of good faith is devoid of merit. She failed to prove she had no participation in faking her nursing license as she even declared she was a duly registered nurse in her Personal Data Sheets for employment and subsequent promotion at the Davao Oriental Provincial Hospital.^[28]

Ruling of the Court of Appeals

In its Decision^[29] dated January 28, 2019, the Court of Appeals reversed, thus:

WHEREFORE, premises considered, the petition is GRANTED. The assailed 20 February 2018 Decision of the Civil Service Commission in Case No. 180064 is REVERSED and SET ASIDE.

Let a new decision be entered DISMISSING the administrative charges filed against petitioner Marilou T. Rodriguez contained in Case No. 180064 of respondent's 20 February 2018 Decision. Furthermore, petitioner Marilou T. Rodriguez is hereby REINSTATED to her post as Nurse II, Office of City Health Officer, City Government of Mati, Davao Oriental.

Let a copy of this decision be furnished the Government Service Insurance System and the Office of the City Health Officer, City Government of Mati, Davao Oriental for their appropriate action.

SO ORDERED.^[30]

The Court of Appeals incipiently ruled that the charges against respondent were not mooted. When she re-entered the government in 2013, she placed herself within the jurisdiction of the CSC and the courts for the purpose of determining her fitness to continue in the public service despite her prior resignation from the government service on July 31, 2002.

The Court of Appeals, nonetheless, absolved respondent from any administrative liability. It accorded her the benefit of good faith when she resigned from the provincial hospital and admitted that the PRC Identification Card borne in her Personal Data Sheets for the years 1989 to 2000 was fake. It also found that she demonstrated remorse about the entire incident.

The CSC moved for reconsideration but the same was denied per Resolution dated July 4, 2019.^[31]

The Present Petition

The CSC now seeks affirmative relief *via* Rule 45 of the Revised Rules of Court. It

charges the Court of Appeals with reversible error when it dismissed the administrative case against respondent and ordered her reinstatement as Nurse II at the Office of City Health Officer, Mati, Davao Oriental.^[32]

The CSC asserts that respondent's invocation of good faith utterly lacks merit. For aside from her bare allegations, no evidence was adduced to show that her fake PRC Identification Card was wholly authored by a certain Evelyn Sapon. Also, respondent's act of misrepresenting herself to have passed the 1988 NLE in all Personal Data Sheets violates Republic Act No. 877 (RA 877) as amended by Republic Act No. 4704 (RA 4704) or the Philippine Nursing Law negates her claim of good faith.^[33]

Lastly, it is not required that her acts of dishonesty and misconduct be done in the course of her current duty as Nurse II at the Office of City Health Officer, Mati, Davao Oriental. Her previous acts of dishonesty and misconduct affect her right to continue in public office.^[34]

In her Comment/Opposition,^[35] respondent ripostes that the CSC raises the same arguments already passed upon by the appellate court. She claims anew that she acted in good faith when she filled out her Personal Data Sheets for the years 1989 to 2000. After learning that her nursing license was fake, she immediately resigned from the Davao Oriental Provincial Hospital. It was only after she passed the 2009 NLE that she rejoined government service in 2013.

Issue

Did the Court of Appeals commit reversible error when it cleared respondent of any liability arising from her submission and use of a spurious NLE rating and PRC Identification Card and from falsely declaring in her various Personal Data Sheets that she was a registered nurse during the relevant years in question?

Ruling

The issue of whether respondent acted in good faith when she submitted spurious documents for the purpose of obtaining employment in the government is a question of fact. As a rule, its determination is beyond the ambit of this Court's power of review under Rule 45 of the Rules of Court, as amended.^[36] An exception would be when the findings of the Court of Appeals are contrary to those of the trial court or the administrative tribunal.^[37]

Here, the CSC and the Court of Appeals made conflicting findings on whether respondent acted in good faith -- a crucial question of fact in the ultimate determination of respondent's culpability or lack of it relative to her submission of the spurious documents in question. We are thus compelled to review the contradictory factual findings of the CSC and the Court of Appeals with the end view of arriving at the correct appreciation of the evidence on record.

In ***Bacsasar v. Civil Service Commission***^[38] the Court discussed the concept of good faith in administrative cases, viz.: