

## EN BANC

**[ A.M. No. P-12-3070 [Formerly A.M. OCA IPI No. 10-3327-P], March 11, 2014 ]**

**CIVIL SERVICE COMMISSION, COMPLAINANT, VS. NENITA C. LONGOS, CLERK II, MUNICIPAL CIRCUIT TRIAL COURT, DEL CARMEN-NUMANCIA-SAN ISIDRO-SAN BENITO, SURIGAO DEL NORTE, RESPONDENT.**

### RESOLUTION

#### PER CURIAM:

At bench is an administrative case involving respondent Nenita C. Longos, employed as Clerk II of the Municipal Circuit Trial Court, Del Carmen-Numancia-San Isidro-San Benito, Surigao del Norte. The Office of the Court Administrator (OCA) found her guilty of dishonesty for allowing another person to take her 1992 Civil Service Professional Examination. The OCA recommends that respondent be dismissed from the service.

The antecedent facts are as follows:

On 25 October 2002, a letter from a concerned citizen<sup>[1]</sup> informed the Civil Service Commission (CSC) of respondent's spurious eligibility. The letter stated that on 29 November 1992, Longos asked someone else to take her Civil Service Professional Examination under Examination No. 342620, which fraudulently resulted in her attainment of an 86.10% rating.

In response, the CSC studied the Personal Data Sheet (PDS),<sup>[2]</sup> appointment papers,<sup>[3]</sup> and examination records of respondent. The latter included her Examinee Attendance Sheet<sup>[4]</sup> and Picture-Seat Plan (PSP).<sup>[5]</sup> Comparing these documents, the CSC found a patent dissimilarity between the pictures pasted in her PDS and in her purported PSP.

In view of this discrepancy, the CSC required Longos to submit sworn counter statements and invited her to a conference.<sup>[6]</sup> But no hearing materialized as respondent failed to appear despite several resettings.<sup>[7]</sup> Eventually, the CSC formally charged her with the administrative offense of dishonesty.<sup>[8]</sup>

Thereafter, on 21 January 2010, the CSC referred to the OCA this administrative case involving a court employee, pursuant to Section 6, Article VIII of the Constitution,<sup>[9]</sup> and *Ampong v. Civil Service Commission*.<sup>[10]</sup>

In the proceedings before the OCA, the Court Administrator repeatedly required Longos to file a comment, to no avail.<sup>[11]</sup> Consequently, on 5 March 2012, her case was deemed submitted for evaluation, report, and recommendation.

In its Memorandum dated 30 March 2012,<sup>[12]</sup> the OCA found Longos guilty of dishonesty. It noticed that the picture appearing in her PDS was different from that pasted in her PSP. Without her filing any answer to explain the anomaly, the OCA construed the evidence against her as unrefuted. It then recommended her dismissal from the service with forfeiture of retirement and other benefits except accrued leave credits and with perpetual disqualification from re-employment in any government-owned or controlled corporation.

### **RULING OF THE COURT**

After a judicious examination of the records, we note and adopt the recommendation of the OCA.

As shown by the documents on record, which were uncontested by respondent despite an opportunity to do so, it is clear that the pictures in her PDS and PSP are starkly different.<sup>[13]</sup> Therefore, based on substantial evidence,<sup>[14]</sup> this Court concludes that she asked another person to take the 1992 Civil Service Professional Examination in her stead.

It is beyond question that the act of fraudulently securing one's appointment constitutes dishonesty. In *Office of the Court Administrator v. Bermejo*,<sup>[15]</sup> we squarely ruled thus:

Dishonesty is defined as intentionally making a false statement on any material fact, or practicing or attempting **to practice any deception or fraud in securing his examination, appointment or registration.** Dishonesty is a serious offense which reflects a person's character and exposes the moral decay which virtually destroys his honor, virtue and integrity. It is a malevolent act that has no place in the judiciary, as no other office in the government service exacts a greater demand for moral righteousness from an employee than a position in the judiciary. (Emphasis supplied)

The case of Longos is not one of first impression. In numerous other cases, this Court has dismissed erring personnel of the judiciary whose civil service eligibility was unscrupulously obtained through the guise of another.

Twelve years ago, in *Cruz v. Civil Service Commission*,<sup>[16]</sup> the CSC and the Court already uncovered this type of mischief by comparing the pictures of civil servants in their PSP and PDS. *Civil Service Commission v. Sta. Ana*,<sup>[17]</sup> *In re: Alleged Illegal Acquisition of a Career Service Eligibility by Ma. Aurora P. Santos*,<sup>[18]</sup> and most recently, *Civil Service Commission v. Hadji Ali*,<sup>[19]</sup> also utilized the same *modus operandi* decried by the Court.

This fraudulent act by an aspiring civil servant will not be countenanced by the Court, much more so when committed by one who seeks to be employed in our fold. After all, credibility undergirds the substance and process of the rendering of justice.