

EN BANC

[G.R. No. 194645, March 06, 2012]

CIVIL SERVICE COMMISSION, PETITIONER, VS. AURORA M. CLAVE, RESPONDENT.

[G.R. NO. 194665]

**GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS),
PETITIONER, VS. AURORA M. CLAVE, RESPONDENT.**

D E C I S I O N

PER CURIAM:

The Cases

Before the Court are two petitions for certiorari assailing the 27 July 2010 Decision^[1] and 24 November 2010 Resolution^[2] of the Court of Appeals in CA-G.R. SP No. 106229.

In G.R. No. 194645, petitioner Civil Service Commission (CSC) asks this Court to set aside the decision of the Court of Appeals and to impose on respondent Aurora M. Clave (Clave) the penalty of dismissal from service.

In G.R. No. 194665, petitioner Government Service Insurance System (GSIS) likewise prays this Court to set aside the Court of Appeals' decision and to impose on Clave the penalty of dismissal from service.

The Antecedent Facts

These cases originated from Administrative Case No. 05-055 filed by GSIS against Clave. GSIS alleged that Clave was a Senior Computer Operator I of the Social Insurance Group (SIG) at the Manila District Office of the GSIS. On 9 December 2003, Diosdado V. Estoque (Estoque), through the Mainframe Salary Loan System (MSLS), granted Marie Ann F. Tornea (Tornea) an enhanced salary loan with net proceeds of P73,123.87 for which GSIS Check No. IC2123810 was issued. The check was later released and negotiated.

On 16 December 2003, Clave, without proper authority or valid reason and in gross violation of pertinent rules and procedure, cancelled the header of Tornea's loan as appearing in the MSLS. Clave used her operator ID (AMCO) and the computer terminal assigned to her (SI42). By cancelling the loan, Clave made it appear that the loan had not been granted to Tornea.

Clave countered that she was not aware of Tornea's loan because it was processed by Estoque on 9 December 2003 and she was absent on that day. Clave further

alleged that the authority given to her on loan applications was limited only to granting salary loan applications and cancelling voided checks or checks that were physically defective due to computer malfunction. Clave alleged that she was not authorized to use Function "D" which was the deletion function used in cancelling the header of Tornea's loan. According to Clave, only the section and division chiefs of the loans administrative division and the Information Technology Services Group (ITSG) can access Function "D." Finally, Clave alleged that, at that time, she had been with the GSIS for 28 years with unblemished service and dedicated loyalty.

The Decision of the GSIS

In its 23 May 2007 Decision,^[3] the GSIS found Clave guilty of simple neglect of duty. The GSIS ruled that while Clave was not authorized to use transaction code "LSMH.D" to delete loan headers, she was given authority to cancel loans that were previously granted by using transaction code "LSLC," which was used in this case. The GSIS ruled that each employee tasked to grant or cancel loans is assigned a corresponding user ID and password known only to the specified user. The ID is the tracking device used to establish the identity of the person responsible for any modification or alteration in the MSLS database. All the transactions of a particular user are recorded and logged in the MSLS database. In this case, it was shown that Clave was responsible for the cancellation of the header of Tornea's loan.

The dispositive portion of the GSIS Decision reads:

WHEREFORE, Aurora M. Clave is found GUILTY of Simple Neglect of Duty. This being the second time she was found guilty of the same offense, she is hereby meted the penalty of DISMISSAL FROM THE SERVICE, which shall carry with it cancellation of eligibility; forfeiture of retirement benefits, and the perpetual disqualification for reemployment in the government service.

It is so ordered.^[4]

Clave filed a motion for reconsideration. In its 7 July 2008 Resolution,⁵ the GSIS denied Clave's motion for reconsideration for lack of merit.

Clave filed an appeal from the GSIS Decision to the Civil Service Commission (CSC).

The Decision of the Civil Service Commission

In its Resolution No. 081951^[6] dated 13 October 2008, the CSC dismissed the appeal and affirmed the GSIS Decision dismissing Clave from service. The CSC ruled that the GSIS did not err in finding Clave guilty of simple neglect of duty. The CSC found that there was substantial evidence that proved Clave's guilt. The CSC noted that the data extracted by the ITSG showed that the user ID used was AMCO in the transaction "LSLC" to cancel the header of Tornea's loan. It was established that AMCO was Clave's user ID.

The dispositive portion of the CSC Resolution reads:

WHEREFORE, the appeal of Aurora M. Clave, Senior Computer Operator I, Social Insurance Group, Government Service Insurance System (GSIS), is hereby DISMISSED. Accordingly, the Decision dated May 23, 2007 of the same Office, dismissing her from the service for having been found guilty for the second time, of the offense of Simple Neglect of Duty, is AFFIRMED. She is likewise imposed the accessory penalties of perpetual disqualification to hold public office, forfeiture of retirement benefits, cancellation of Civil Service eligibility and bar from taking Civil Service examinations.^[7]

Clave filed a petition for review before the Court of Appeals, assailing the CSC Resolution.

The Decision of the Court of Appeals

In its 27 July 2010 Decision, the Court of Appeals partly granted Clave's petition. The Court of Appeals affirmed the CSC insofar as it found Clave guilty of simple neglect of duty. However, the Court of Appeals modified the CSC Resolution by reducing the penalty imposed on Clave from dismissal from service to suspension from office without salary and other benefits for one year, with a stern warning that a transgression of a similar nature will warrant her dismissal from service.

The Court of Appeals ruled that there was nothing in the records that showed that Clave acted in bad faith when she gave her operator ID and password to other persons. The Court of Appeals ruled that Clave's carelessness should not equate to dismissal since it was not coupled with bad faith.

The Court of Appeals found that while Clave's guilt was supported by substantial evidence, the imposition of the penalty of dismissal from service was too harsh. The dispositive portion of the Decision of the Court of Appeals reads:

WHEREFORE, IN VIEW of THE FOREGOING, the petition is partly GRANTED. The Resolution of the Civil Service Commission dated 13 October 2008 is AFFIRMED insofar as it found petitioner Aurora M. Clave guilty of Simple Neglect of Duty, but in lieu of dismissal from the service, petitioner is hereby SUSPENDED from office without salary and other benefits for one (1) year, with a STERN WARNING that another transgression of a similar nature will merit dismissal from the service.

SO ORDERED.^[8]

Both the CSC and the GSIS moved for the reconsideration of the Decision of the Court of Appeals.

In its 24 November 2010 Resolution, the Court of Appeals denied the motions.

Hence, the petitions separately filed by the CSC and the GSIS before this Court.

The Issue