

## EN BANC

[ G.R. No. 182606, October 04, 2011 ]

### CESAR S. DUMDUMA, PETITIONER, VS. CIVIL SERVICE COMMISSION, RESPONDENT.

#### DECISION

##### PER CURIAM:

Before the Court is a Petition for Review on *Certiorari*<sup>[1]</sup> assailing the January 31, 2008 Decision,<sup>[2]</sup> as well as the April 10, 2008 Resolution,<sup>[3]</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 98207, which affirmed the order of the respondent Civil Service Commission (CSC) dismissing petitioner Cesar S. Dumduma (Dumduma) from government service.

##### ***Factual Antecedents***

Dumduma entered public service in 1979 as a patrolman in the then Integrated National Police.<sup>[4]</sup> He steadfastly rose through the ranks until he was promoted in 1991 as Senior Police Officer 4 (SPO4) of the Philippine National Police (PNP). He was then designated as officer-in-charge of San Miguel Police Station in San Miguel, Leyte.<sup>[5]</sup> On December 15, 1998, he took the Career Service Professional Examination in Quezon City.<sup>[6]</sup>

On March 7, 1999, Dumduma filled out a Personal Data Sheet (PDS) pursuant to his promotional appointment as Police Inspector. On Item No. 18 of the PDS, Dumduma stated that he passed the Career Service Professional Examination Computer-Assisted Test in Quezon City on December 15, 1998 with a rating of 81%.<sup>[7]</sup> His appointment was then forwarded to the PNP-CSC Field Office on April 16, 1999 for verification and approval.<sup>[8]</sup> It was then discovered that Dumduma did not have the proper civil service eligibility, contrary to what he disclosed in his PDS. His name was not included in the CSC-National Capital Region (CSC-NCR) Regional Register of Eligibles for the Career Service Professional Examination conducted on December 15, 1998; instead, his name appeared in the Regional List of Passing/Failing Examinees with a rating of 25.82%. Accordingly, the director of the CSC-NCR, Adoracion F. Arenas disapproved Dumduma's appointment on the ground of spurious eligibility.<sup>[9]</sup> On June 6, 2002, the CSC-NCR formally charged Dumduma with Dishonesty.<sup>[10]</sup>

Dumduma denied the charge.<sup>[11]</sup> His version of the circumstances surrounding his alleged eligibility is as follows: Prior to the date of the examination, Dumduma met a certain Salome Dilodilo (Dilodilo), who was allegedly a retired CSC director. Dilodilo promised Dumduma her "total support in [Dumduma's] x x x examination [but] (i)n return, she asked [Dumduma] to convince [his] close friend x x x to sell x

x x a property x x x [to her]."<sup>[12]</sup> On the day before the examination,<sup>[13]</sup> Dumduma and Dilodilo went to the CSC Office located at Kaliraya Street, Quezon City in order to facilitate an early examination schedule<sup>[14]</sup> for Dumduma. The following day, December 15, 1998, Dumduma took the Career Service Professional Examination.<sup>[15]</sup> A week later, he received his Certificate of Eligibility<sup>[16]</sup> from an unnamed person, who claimed to be Dilodilo's emissary.<sup>[17]</sup> The Certificate of Eligibility stated that Dumduma passed the examination with a rating of 81%.<sup>[18]</sup> Dumduma then wrote the said information in his PDS, allegedly in good faith that the Certificate of Eligibility was authentic.

Dumduma waived the formal investigation and submitted the case for resolution based on the available documents.<sup>[19]</sup>

### ***Decision of Civil Service Commission-National Capital Region***<sup>[20]</sup>

The CSC-NCR held that the Certificate of Eligibility relied upon by Dumduma in making his PDS entry was spurious because it was contrary to the CSC's Regional List of Eligibles. The Regional List prevails over the Certificate of Eligibility because the former is the primary official record of eligibles hence is presumed genuine and accurate, unless proven otherwise. Since Dumduma failed to satisfactorily explain the discrepancy posed by his Certificate of Eligibility, the presumption is that the same was falsified for his benefit.<sup>[21]</sup> Based on CSC Memorandum Circular No. 15, series of 1991, Dumduma's procurement and use of a spurious Certificate of Eligibility constituted the offense of Dishonesty,<sup>[22]</sup> which merited dismissal from government service with all the accessory penalties.<sup>[23]</sup>

### ***Ruling of the Civil Service Commission***

Dumduma appealed the adverse CSC-NCR Decision to the CSC. Dumduma maintained his good faith in relying on the Certificate of Eligibility that was delivered to his residence. Any defect in his Certificate of Eligibility must be blamed on some unnamed and unknown CSC personnel, who most probably authored the falsification. Without any proof that he colluded with these CSC personnel, Dumduma contended that he cannot be found guilty of dishonesty.<sup>[24]</sup>

In its Resolution No. 060098<sup>[25]</sup> dated January 23, 2006, the CSC found Dumduma's version of how he obtained his certificate of eligibility implausible. The CSC noted that the standard operating procedure for the Career Service Professional Examination Computer-Assisted Test is to hand-over the certificates of eligibility of the passers immediately after the examination. Since Dumduma did not get his certificate in the standard manner, he had the burden of explaining what merited the unorthodox procedure. This he failed to do.<sup>[26]</sup>

The CSC further held that Dumduma failed to rebut the presumption that he, as possessor of a falsified document, was the author thereof. His bare assertion of good faith could not stand against the presumption.<sup>[27]</sup> The CSC thus affirmed the CSC-NCR's Decision. The dispositive portion of the CSC's January 23, 2006

Resolution reads as follows:

**WHEREFORE**, the appeal of Cesar S. Dumduma is hereby

**DISMISSED**. Accordingly, the Decision dated March 19, 2004 of the CSC-NCR, finding him guilty of Dishonesty and imposing on him the penalty of dismissal from the service, forfeiture of retirement benefits and perpetual disqualification from reemployment in the government service is hereby **AFFIRMED**. Further, since this involves disbursements of funds for the salaries and benefits of Dumduma after his appointment was disapproved, let a copy of this decision be furnished the Commission on Audit for its appropriate action. The CSC-NCR is hereby ordered to monitor the implementation of this Resolution.

Quezon City, January 23, 2006.<sup>[28]</sup>

Dumduma filed a Motion for Reconsideration but the same was denied in CSC Resolution No. 070306<sup>[29]</sup> dated February 19, 2007.

### ***Ruling of the Court of Appeals***

Dumduma reiterated his defense of good faith in his appeal to the CA,<sup>[30]</sup> but the appellate court was unconvinced. The CA found substantial evidence supporting the conclusion that Dumduma's Certificate of Eligibility was spurious. It was contrary to the entries in the Regional List of Passing/Failing Examinees and those in the Regional Register of Eligibles. Moreover, it was delivered to Dumduma contrary to the standard operating procedures of CSC.<sup>[31]</sup>

The CA held that Dumduma's possession and use of the falsified certificate for his own benefit created the presumption that he was the author of such falsification. It was incumbent upon Dumduma to overcome the said presumption with controverting evidence. His bare assertion of good faith did not suffice as a rebuttal.<sup>[32]</sup>

The CA disposed in this wise:

**WHEREFORE**, premises considered, the instant petition is **DISMISSED**.  
The assailed CSC Resolutions **STAND**.

SO ORDERED.<sup>[33]</sup>

Dumduma moved for a reconsideration but the CA denied the same in its Resolution dated April 10, 2008.<sup>[34]</sup>

### **Our Ruling**

Petitioner Dumduma is now before us questioning the sufficiency of the evidence against him. He is of the impression that he was found guilty of dishonesty on a

mere presumption - that the holder of a forged document is the forger - despite the presence of contrary evidence.<sup>[35]</sup> His alleged contrary evidence consist of the apparent authenticity of his Certificate of Eligibility (which did not alert him to any irregularity therein)<sup>[36]</sup> and the absence of evidence that he colluded with CSC personnel to falsify the certificate.<sup>[37]</sup>

The question raised by Dumduma regarding the CA's appreciation of the evidence against him is ineluctably one of fact, which is beyond the ambit of this Court's jurisdiction in a petition for review on *certiorari*. It is not this Court's task to go over the proofs presented below to ascertain if they were appreciated and weighed correctly, most especially when the CA and the CSC speak as one in their findings and conclusions.<sup>[38]</sup> While it is widely held that this rule of limited jurisdiction admits of exceptions, none exists, or is even alleged as existing, in the instant case.

The Court agrees with the CSC and the CA that the undisputed facts, as revealed by the evidence, make out a clear case of dishonesty against Dumduma. When Dumduma's claim of eligibility was contradicted by the CSC Register of Eligibles and the List of Passing/Failing Examinees, it became incumbent upon Dumduma to explain why he made the incorrect entry in his PDS. Unlike his PDS entry, the CSC records are presumed correct and made in the regular course of official business.<sup>[39]</sup> In explaining his action, however, Dumduma dug a deeper hole from which he could not extricate himself.

He admitted in his Counter-Affidavit that Dilodilo, a retired CSC official, promised to help him with his CSC examination in exchange for a personal favor. They then proceeded to the CSC Office together and Dilodilo was welcomed by her former colleagues. After Dumduma took the exam, he went home without knowing the result thereof (a procedure that is contrary to CSC practice). Several days later, Dumduma professed that he received his Certificate of Eligibility from a man *sent by Dilodilo*, who is a retiree hence without official ties with the CSC. Instead of exculpating him, Dumduma's explanation completed the evidence against him. He not only failed to explain the discrepancy, he even explained how he obtained a spurious Certificate of Eligibility.

Dumduma asserts that, despite the questionable circumstances, he is in good faith and that the blame is with the CSC personnel who gave him a Certificate of Eligibility. Their actions should not be attributable to him, unless there is evidence that he colluded with them.

Dumduma's contention is in stark contrast to his admissions and does not merit belief. The concept of good faith in administrative cases such as this one is explained in a recent case in this wise:

Good faith is ordinarily used to describe that state of mind denoting honesty of intention and freedom from knowledge of circumstances which ought to put the holder upon inquiry; an honest intention to abstain from taking any unconscientious advantage of another, even through technicalities of law, together with absence of all information, notice, or benefit or belief of facts which render [a] transaction unconscientious. In short, good faith is actually a question of intention. Although this is

something internal, we can ascertain a person's intention not from his own protestation of good faith, which is self-serving, but from evidence of his conduct and outward acts.<sup>[40]</sup>

In the instant case, the facts and circumstances surrounding Dumduma's acquisition of the Certificate of Eligibility cast serious doubts on his good faith. He made a deal with a retired CSC official and accepted the Certificate of Eligibility from her representative. These circumstances reveal Dumduma's knowledge that Dilodilo could have pulled strings in order to obtain his Certificate of Eligibility and have it delivered to his residence. How else would a retired employee obtain the said certificate? Dumduma cannot feign innocence given his unquestioning cooperation with Dilodilo.

Besides, whether some CSC personnel should be held administratively liable for falsifying Dumduma's Certificate of Eligibility is beside the point. The fact that someone else falsified the certificate will not excuse Dumduma for knowingly using the same for his career advancement.

Dumduma maintains that it is entirely possible that his Certificate of Eligibility is correct and that the CSC's Register of Eligibles and the List of Passing/Failing Examinees are the ones with incorrect entries. In light of the circumstances, the Court cannot accept this theory. As Dumduma himself admitted, he did not obtain the Certificate of Eligibility from the CSC but from a representative of his facilitator, Dilodilo. The official records kept by the CSC deserve credence compared to a certificate that admittedly originated from a dubious source.

This is not the first time that a government employee had been dismissed from service for falsification of his eligibility for appointment purposes.

*Maniebo v. Court of Appeals*<sup>[41]</sup> is analogous to the instant case. Maniebo denied any participation in the preparation of her spurious Certificate of Eligibility. She maintained that she only received the same through the mails and was in good faith in submitting the same for her appointment. The Court held that the presumption of good faith does not apply when the employee's Certificate of Eligibility conflicts with the CSC's Masterlist of Eligibles. Moreover, the Court did not accept Maniebo's long and satisfactory government service in order to mitigate the penalty of dismissal. The Court noted that Maniebo was undeserving of the mitigation given her refusal to own up to, and her lack of remorse for, her dishonesty.

In *Bacsasar v. Civil Service Commission*,<sup>[42]</sup> Bacsasar obtained her Certificate of Eligibility from a private individual and not from the CSC. The CSC verified the spurious nature of her eligibility because Bacsasar was not included in the CSC Masterlist of Passing/Failing Examinees. The Court rejected Bacsasar's defense of good faith given that she did not even take the civil service exam.

In *Civil Service Commission v. Cayobit*,<sup>[43]</sup> Cayobit received her Certificate of Eligibility through mail and maintained that she believed the same to be genuine. The Court found her guilty of dishonesty given that she failed to explain the discrepancy in her passing grade in the certificate and the failing grade reflected in the CSC masterlist.