

## SECOND DIVISION

**[ A.M. No. P-07-2366 [Formerly OCA-I.P.I. No. 07-2519-P], April 16, 2009 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
MARIA CELIA A. FLORES, COURT LEGAL RESEARCHER II,  
RESPONDENT.**

### RESOLUTION

**TINGA, J.:**

The instant administrative complaint was filed by the Office of the Court Administrator (OCA) charging respondent Maria Celia A. Flores with dishonesty for failure to disclose in her Personal Data Sheet (PDS) her suspension and dismissal from previous employment.

An abstract of pertinent facts follows.

Respondent applied for and was appointed as Court Legal Researcher II in the Regional Trial Court, Branch 217, Quezon City. She assumed her position on 12 April 1994.

In 2006, the OCA came across a labor case decision docketed as G.R. No. 109362 and promulgated on 15 May 1996, involving respondent as petitioner therein and the Philippine Public School Teachers Association (PPSTA) as private respondent. As reported in said case, respondent was employed as clerk of the PPSTA from August 1973 until her termination in August 1990. She was dismissed for engaging a fellow employee in a brawl. It was also found that she was disciplinarily charged six (6) times.<sup>[1]</sup> Respondent filed a complaint for illegal dismissal before the Labor Arbiter who ruled in her favor. On appeal, the National Labor Relations Commission declared the dismissal valid. Respondent elevated the case to this Court through a petition for certiorari. Pending resolution of said petition, respondent was appointed as Court Legal Researcher II. Eventually, the validity of her dismissal was sustained by this Court on 15 May 1996.

Upon learning of said case, the OCA looked into the 201 File of respondent but did not find her PDS. As requested, the Civil Service Commission furnished the OCA with a copy of the PDS. The significant portions of the PDS are quoted below, thus:

24. Have you ever been convicted for violating any law, decree, ordinance or regulations by any court or tribunal? [ ] Yes [ ] No. Have you ever been convicted for any breach or infraction by a military tribunal or authority, or found guilty of an administrative offense? [ ] Yes [ ☒ ] No. If your answer is "Yes" to any of the questions, give particulars.
25. Do you have any pending administrative/criminal case? If you have any, give particulars. **None**

26. Have you ever been retired, dismissed, forced to resign from any employment for reasons, other than lack of funds or dropped from the rolls? [ ☒ ] Yes [ ☐ ] No. If "Yes", give particulars. **Petition for Certiorari, pending with the Supreme Court under G.R. No. L-109362.** (Emphasis supplied)<sup>[2]</sup>

Following the sketchy lead by respondent's responses in the PDS, the OCA wrote a letter to PPSTA requesting a copy of the records of the administrative case before it.

<sup>[3]</sup> As the PPSTA failed to furnish the requested documents, the OCA was constrained to rely on the decision dated 15 May 1996 in G.R. No. L-109362 as basis of this complaint.<sup>[4]</sup>

In a 1<sup>st</sup> Indorsement dated 3 January 2007, the OCA directed respondent to explain why she failed to disclose her previous suspension, dismissal from the service, and the administrative charges against her before the PPSTA.<sup>[5]</sup>

In her Comment, respondent maintained that she fully disclosed the fact of her dismissal from PPSTA in the PDS when she cited the pendency of a petition for certiorari in the Supreme Court. In invoking good faith, she reasoned that her failure to indicate the suspension in 1977 was due to an honest mistake considering that the suspension happened more than seventeen (17) years before she accomplished the PDS on 11 February 1994.<sup>[6]</sup>

In a letter dated 12 April 2007, respondent asked for the inhibition of then Court Administrator Christopher Lock from further conducting the investigation in light of his alleged partiality against her for the following reasons, namely: (1) the Indorsement was issued *motu proprio* by the Court Administrator despite absence of any complaint by any party; (2) the Court Administrator disregarded the standard procedure by causing the personal service of notices and orders upon respondent; (3) there was no basis for the Indorsement, as no PDS was on file with the Office of Administrative Services, and the OCA had to obtain a copy from the Civil Service Commission; and (4) the Court Administrator virtually made himself a complainant, prosecutor and judge.<sup>[7]</sup>

In his Comment on the letter dated 12 April 2007, the former Court Administrator explained that the charge against respondent for dishonesty was not brought about by any desire to harass her but by his sense of duty. He reiterated that it was within his power to initiate investigations against erring employees and under the circumstances in which the infraction of respondent was discovered, a private party need not file a complaint. Denying having taken an unusual interest in the complaint by personally serving the notices and orders upon respondent, the former Court Administrator maintained that there was nothing irregular in the OCA obtaining a copy of the PDS from the Civil Service Commission, as it is a normal procedure in administrative investigations to obtain records from other offices.

On 4 May 2007, the OCA found respondent guilty of dishonesty and recommended her dismissal from the service.

In a Resolution dated 10 September 2007, the Court resolved to re-docket the case as a regular administrative matter and required the parties to manifest whether they

were willing to submit this matter for resolution on the basis of the pleadings filed.  
[8]

In compliance with our Resolution, both parties filed their affirmative manifestations on 18 October 2007<sup>[9]</sup> and 6 November 2007,<sup>[10]</sup> respectively.

We adopt the findings of OCA.

Dishonesty is defined as "intentionally making a false statement in any material fact, or practicing or attempting to practice any deception or fraud in securing his examination, registration, appointment or promotion." Thus, dishonesty, like bad faith, is not simply bad judgment or negligence. Dishonesty is a question of intention. In ascertaining the intention of a person accused of dishonesty, consideration must be taken not only of the facts and circumstances which gave rise to the act committed by the respondent, but also of his state of mind at the time the offense was committed, the time he might have had at his disposal for the purpose of meditating on the consequences of his act, and the degree of reasoning he could have had at that moment.<sup>[11]</sup>

In the instant case, respondent admitted that she failed to disclose her previous suspension but attributed such failure to "human frailty" and "honest mistake." It is indeed implausible that respondent could have easily forgotten her suspension considering that it was one of the grounds cited by PPSTA for her eventual termination. As aptly observed by OCA:

The defenses of good faith, human frailty and honest mistake deserve scant consideration. It is inconceivable that Ms. Flores could have forgotten her suspension in 1977 when she was accomplishing her Personal Data Sheet in 1994. A suspension is not something that occurs in one's career regularly that it can easily be forgotten. It is a blemish in [one's] career and definitely leaves a deep and lasting impression in one's mind which the lapse of seventeen (17) years can not easily erase. Besides it is not as if the issue of her suspension was laid to rest after Ms. Flores served it in 1977. The decision in G.R. No.109362 shows that her suspension and other administrative infractions were raised by the Philippine Public School Teachers Association in order to justify her dismissal. It appears from the decision that the Association dismissed Ms. Flores in September 1990 and in dismissing her, the Association sent her a Memorandum dated August 31, 1990 recounting her previous administrative offenses, including her suspension. The issue of the legality of her dismissal became the subject of a labor case. On December 29, 1992, the National Labor Relations Commission rendered a decision declaring the dismissal of Ms. Flores as valid. She then filed a petition before this Court. On February 11, 1994, she accomplished her Personal Data Sheet. Verily, the proceedings in her labor case, which occurred just a few years before she accomplished her Personal Data Sheet, could not have failed to remind Ms. Flores of her employment history when she was still a clerk in the Philippine Public School Teachers Association. Besides, the fact that Ms. Flores did not inform this Office of the decision in G.R. No. 109362 for ten (10) years belies any claim of good faith on her part.<sup>[12]</sup>