

EN BANC

[G.R. No. 185749, December 16, 2009]

**CIVIL SERVICE COMMISSION, PETITIONER, VS. HERMINIGILDO
L. ANDAL, RESPONDENT.**

D E C I S I O N

CARPIO, J.:

The Case

Before this Court is a petition for review on certiorari filed by the Civil Service Commission (CSC) seeking to set aside the Decision dated 22 September 2008^[1] and the Resolution dated 2 December 2008^[2] of the Court of Appeals^[3] in CA-G.R. SP No. 100452. The Court of Appeals set aside the CSC Decision dated 25 May 2005, Resolution No. 062255 dated 20 December 2006 and Resolution No. 071493 dated 1 August 2007 in Administrative Case No. 00-12-027. The motion for reconsideration filed thereafter was denied.

The Facts

Herminigildo L. Andal (respondent) holds the position of Security Guard II in the Sandiganbayan. On 24 January 2000, he filed an application to take the Career Service Professional Examination-Computer Assisted Test (CSPE-CAT) and was admitted to take the examination. The examination results showed that respondent passed the examination with a rating of 81.03%.

On 25 January 2000, Arlene S. Vito (Vito), claiming to have been authorized by respondent to secure the results of the examination, presented a handwritten authorization allegedly signed by respondent. Upon verification and comparison of the pictures attached to the Picture Seat Plan and the identification card of respondent which Vito presented, there appeared a dissimilarity in the facial features. Bella A. Mitra, then Officer-in-Charge of the Examination, Placement and Services Division (EPSD) of the Civil Service Commission-National Capital Region (CSC-NCR), issued a Memorandum on the alleged "impersonation" of respondent and the matter was referred to the Legal Affairs Division to conduct a fact-finding investigation. On 29 November 2000, the CSC-NCR formally charged respondent with dishonesty.

A formal investigation of the case was scheduled on 4 June 2001, 21 November 2001, 5 February 2002, and 10 July 2002. Notices were sent to respondent's last known address as indicated in his Application Form but respondent failed to appear on the scheduled hearings. Respondent was deemed to have waived his right to appear at the formal investigation and the case proceeded *ex parte*.

On 5 August 2005, the CSC-NCR rendered judgment finding respondent guilty of

dishonesty and imposing upon him the penalty of dismissal from the service.

Aggrieved, respondent appealed to the CSC which issued Resolution No. 062255 dated 20 December 2006, the dispositive portion of which reads:

WHEREFORE, the appeal of Herminigildo L. Andal is hereby DISMISSED. Accordingly, the Decision dated May 25, 2005 of the Civil Service Commission National Capital Region (CSC-NCR), Quezon City, finding him guilty of Dishonesty and imposing upon him the penalty of dismissal from the service with accessory penalties of disqualification from re-entering government service, forfeiture of retirement benefits, and bar from taking any civil service examination, pursuant to Section 57 of the Uniformed Rules, is AFFIRMED.^[4]

Respondent moved for a reconsideration of the CSC judgment but the motion was denied in the CSC Resolution No. 071493 dated 1 August 2007.

Respondent elevated the case to the Court of Appeals on a petition for review under Rule 43. On 22 September 2008, the Court of Appeals rendered judgment in favor of respondent, the dispositive portion of which reads:

WHEREFORE, premises considered, the assailed Decision dated 25 May 2005, Resolution No. 062255 dated 20 December 2006, and Resolution No. 071493 dated 01 August 2007 in *Admin. Case No. 00-12-027* are **SET ASIDE** and respondent Civil Service Commission is enjoined from implementing the same. Respondent Civil Service Commission is hereby **ORDERED** to immediately refer said administrative case for Dishonesty against petitioner Herminigildo L. Andal to the Office of the Court Administrator, Supreme Court, for appropriate action.^[5]

The CSC filed a motion for reconsideration which the Court of Appeals denied in its Resolution dated 2 December 2008.

Hence, the present petition.

The Issue

The issue in this case is whether or not the Civil Service Commission has disciplinary jurisdiction to try and decide administrative cases against court personnel.

Ruling of the Court of Appeals

The Court of Appeals ruled that the CSC encroached upon the Supreme Court's power of administrative supervision over court personnel. In reversing the CSC resolutions, the Court of Appeals cited Section 6, Article VIII^[6] of the 1987 Constitution which provides that the Supreme Court shall have administrative supervision over all courts and the personnel thereof. The Court of Appeals further stated that what the CSC should have done was to refer the administrative case for

dishonesty against respondent to the Office of the Court Administrator for appropriate action instead of resolving the case.

The Court's Ruling

In taking cognizance of the administrative case for dishonesty against respondent, the CSC invoked Section 28, Rule XIV of the Omnibus Civil Service Rules and Regulations which provides that the CSC "shall have original disciplinary jurisdiction over all its officials and employees and over all cases involving civil service examination anomalies or irregularities." The CSC further contends that administrative cases of dishonesty in connection with duties and responsibilities under Section 47, Chapter 7, Subtitle A, Title I, Book V of the Revised Administrative Code are different from cases of dishonesty in connection with cheating incidents in Civil Service examinations administered by the CSC. In the latter case, the CSC assumes jurisdiction as an integral part of its duty, authority and power to administer the civil service system and protect its integrity, citing the case of *Civil Service Commission v. Albao*.^[7]

The CSC argues that one of the powers of the CSC is the administration of the civil service examinations. The CSC made a careful study and comparison of the facial features of the person appearing on the photographs attached to the Application Form and the Personal Data Sheet (PDS), and the photograph attached to the Picture Seat Plan. Resemblance of the pictures purporting to be respondent's was clearly wanting. The signatures appearing on the face of the documents also revealed discrepancies in the structure, strokes, form and general appearance.

We agree with the Court of Appeals and accordingly, deny the present petition.

The Court recognizes the CSC's administrative jurisdiction over the civil service. Section 3, Article IX-B of the Constitution declares the CSC as the central personnel agency of the Government, thus:

Section 3. The Civil Service Commission, as the central personnel agency of the Government, shall establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service. It shall strengthen the merit and rewards system, integrate all human resources development programs for all levels and ranks, and institutionalize a management climate conducive to public accountability. It shall submit to the President and the Congress an annual report on its personnel programs.

Section 12, Title 1 (A), Book V of Executive Order No. 292 (EO 292) likewise enumerates the powers and functions of the CSC, one of which is its quasi-judicial function under paragraph 11, which states:

Section 12. *Powers and Functions* — The Commission shall have the following powers and functions: