

SECOND DIVISION

[G.R. NO. 166116, March 31, 2006]

OFFICE OF THE OMBUDSMAN, PETITIONER, VS. FLORENTINA SANTOS, RESPONDENT.

DECISION

PUNO, J.:

This is a petition for review of the decision dated June 22, 2004 and resolution dated November 23, 2004 of the Court of Appeals, which reversed the decision of the Ombudsman finding respondent guilty of dishonesty, violation of Sec. 4 (c) of Republic Act No. (R.A.) 6713 [1] and grave misconduct, and penalizing her with dismissal from the service with forfeiture of benefits equivalent to twelve (12) months salary and temporary disqualification for re-employment in the government service for one (1) year.

This case arose from a complaint filed by Estrelita L. Gumabon, Teacher III, Lagro Elementary School, against the school Principal, respondent Florentina A. Santos, before the Office of the Ombudsman on September 29, 1997. The complaint alleged that respondent falsified her daily time record as her entries therein did not match the entries of the school's security guard in their logbook. In particular, on August 20, 1997, respondent indicated in her daily time record that she reported for work at Lagro Elementary School the whole day, but she actually went to Golden Child Montessori Dela Costa III Annex at 9:00 a.m., and later at 11:30 a.m. to its Carissa II Annex. She left the premises of said school around one in the afternoon. The complaint also pointed out that respondent was one of the owners/incorporators of Golden Child Montessori and held the position of President/Chairman of the Board. It was further alleged that respondent exhibited rude and oppressive behavior not only to the teachers and personnel of Lagro Elementary School, but also to the parents of their pupils. [2] In a supplemental complaint dated April 1, 1998, Gumabon also charged respondent with taking several pieces of galvanized iron sheets used in the construction and repair of some rooms and toilets at Lagro Elementary School. Respondent allegedly ordered one Jose Sabalilag to take the galvanized iron sheets and deliver them to her house, and even asked school janitress Pia Amparo to accompany Sabalilag to show him the direction to respondent's house. [3]

Answering the charges, respondent explained that it was her daily routine upon arrival at the school to inspect its outer premises before entering the school grounds, to see if the school fence is clean and garbage-free. The security guard only logs in the time of respondent's entry into the school grounds as her arrival time. As regards the incident on August 20, 1997, respondent stated that she sought permission from Mrs. Paz T. Quejada, District Supervisor, School District X, to attend an activity at Golden Child Montessori. She said that Mrs. Quejada did not object to her request. Respondent also admitted being an owner/incorporator of

Golden Child Montessori, but argued that it did not violate any existing law. She denied all the other allegations in the complaint. With respect to the taking of the galvanized iron sheets, respondent explained that they were excess materials from the construction projects in the school and they were sold to her by the project contractor at cost. [4]

Hearings were conducted before Graft Investigation Officer Joselito P. Fangon at the Administrative Adjudication Bureau, Office of the Ombudsman.

Gumabon appeared to identify her affidavit, as well as the affidavits of her witnesses, and the documentary evidence consisting of the photocopy of respondent's daily time record for the months of February, March and August 1997, [5] copy of the logbook of security guard Willy Casauay, [6] copy of the memo issued by respondent to the Principals of the various annexes of Golden Child Montessori, [7] the letters of several parents of Lagro Elementary School pupils complaining about the attitude of respondent towards them, and the copy of the police receipt showing that the police recovered several galvanized iron sheets from Jose Sabalilag.

Hermelina de Vera, former Principal of Golden Child Montessori Dela Costa III Annex, testified that respondent attended the *Linggo ng Wika* celebration at their campus in San Jose Del Monte, Bulacan on August 20, 1997. Respondent arrived at said campus around nine in the morning. [8]

Zaida Zayde, Corporate Secretary and Principal of Golden Child Montessori Dela Costa II Annex, testified that respondent is also one of the incorporators of said school, and that respondent handles its finances, signs checks, keeps bank accounts, and issues and signs memoranda for and in behalf of the school. She also stated that she and respondent visited the Dela Costa III Annex of Golden Child Montessori during the *Linggo ng Wika* celebration. [9]

Juan S. Gambol, Police Inspector, Lagro Police Station, stated that on February 13, 1998, Gumabon reported the alleged missing pieces of galvanized iron at Lagro Elementary School. They recovered around 40 pieces of galvanized iron sheets from Jose Sabalilag on February 23, 1998 and issued a receipt therefor. [10]

Jeorgia Loperez, one of the incorporators of Golden Child Montessori, testified that respondent is the President and Chairman of the Golden Child Montessori, and that she handles the finances, keeps the bank account, signs checks and issues memoranda for and in behalf of the school. [11]

Fructuosa C. Gavilan, Grade School Teacher, Lagro Elementary School, testified that respondent has the habit of scolding her even in front of other people. She also testified to an incident where she was marked absent despite being present, albeit late on the particular date. [12]

Sophia Amparo, Janitress at Lagro Elementary School, testified that on February 10, 1998, she was instructed by respondent to bring to the latter's house several pieces of galvanized iron sheets. [13]

Didith Sacueza testified that she used to sell food to the teachers at the Lagro Elementary School. She said that she had an agreement with respondent that she would be allowed to sell food in the school but she was required to give a certain amount to the school. Then, one day, without any notice, Sacueza was refused entry into the school. The guard informed her that it was the Principal's order. She wrote respondent asking why she was no longer allowed to sell food in the school, but she did not get any response. [14]

Vicente Cue, Security Guard at Lagro Elementary School, testified that on September 5, 1999, his wife made an emergency call at the school but respondent refused to give the call to him. [15]

Willy Casauay, also a Security Guard at Lagro Elementary School, testified that a certain Jose Sabalilag went to the Lagro Elementary School and, upon instruction of respondent, took several pieces of galvanized iron sheets. Accompanied by Pia Amparo, Sabalilag brought the same to respondent's residence. The incident was noted in his logbook. [16]

Jose Sabalilag, Benedict Guantero and Erlinda Dela Rosa, on the other hand, testified for respondent.

Jose Sabalilag stated that sometime in February 1998, he was tasked to renovate a comfort room at Lagro Elementary School. He used about forty (40) pieces of galvanized iron sheets for the construction. There was an excess of about eight (8) pieces of galvanized iron sheets which respondent ordered to be taken to her house. He also said that he removed around forty-one (41) pieces of used galvanized iron sheets which he took to their storage (*bodega*), but which he also returned to the school the next day upon instruction of a Commission on Audit (COA) personnel. While they were unloading the returned materials, Gumabon arrived, took some pictures, and reported the incident to the police. Gumabon also made him sign an affidavit stating that respondent was the one who ordered the taking of the galvanized iron sheets. [17]

Benedict Guantero, an employee of the COA, testified that respondent sought his advice concerning the salvageable materials taken from two (2) school toilets which underwent renovation. [18]

Erlinda Dela Rosa, former Officer-in-Charge of Golden Child Montessori, testified that Golden Child Montessori and its branches were being managed by their respective Principals. She also testified that the payment of rentals for the school, the payment of salaries of teachers and financial management of the school were undertaken by the respective administrators. [19]

On July 23, 2001, the Office of the Ombudsman rendered a decision finding respondent guilty of dishonesty, violation of Sec. 4 (c) of R.A. 6713 and grave misconduct. It imposed upon respondent the penalty of dismissal from service with forfeiture of benefits equivalent to twelve (12) months salary and temporary disqualification for re-employment in the government for one (1) year from the finality of said decision. [20]

The Court of Appeals, however, reversed and set aside the decision of the Ombudsman and ordered the dismissal of the complaint. It held that the findings of the Office of the Ombudsman were not supported by substantial evidence. [21]

Hence, this petition. Petitioner raised the following arguments:

1. Contrary to the appellate court a quo's [sic] ruling, the extant evidence on record constitutes more than substantial evidence to establish the administrative guilt of respondent.
2. Findings of fact of an administrative agency are generally accorded not only respect but at times finality. [22]

The petition is impressed with merit.

Administrative proceedings are governed by the "substantial evidence rule." A finding of guilt in an administrative case would have to be sustained for as long as it is supported by substantial evidence that the respondent has committed acts stated in the complaint or formal charge. As defined, substantial evidence is such relevant evidence as a reasonable mind may accept as adequate to support a conclusion. [23]

A reading of the decision of the Office of the Ombudsman and a thorough examination of the records of this case show sufficient evidence to prove respondent's administrative liability. In its decision, the Office of the Ombudsman, through Graft Investigation Officer Joselito P. Fangon, cites the pieces of evidence that support its ruling. It discussed its findings thus:

Respondent FLORENTINA A. SANTOS stands administratively charged with, among others, the falsification of her Form 48; of being one of the Owners/Incorporators of a private school; of having oppressed and harassed school teachers and employees; and of theft of school property.

With respect to the first charge, the complainant adduced as evidence the Daily Time Record (Civil Service Form No. 48) of respondent SANTOS for the month of August 1997 (Exhibit B, p. 0191, Records). Marked as Exhibit "B-1" (supra.) is the entry for August 20, 1997 showing that respondent SANTOS reported for work at Lagro Elementary School, Quezon City, at 6:45 in the morning and departed at 7:15 in the evening. Likewise adduced as evidence is the testimony of Hermelina de Vera x x x x

On the basis of the foregoing, it has been substantially established that respondent SANTOS actually reported for work at the Lagro Elementary School in Quezon City. However, evidence shows that said respondent, instead of rendering the required number of hours of work, went to a private school (to attend a school function) in San Jose Del Monte, Bulacan. It is therefore clear that the respondent deliberately made it appear that she reported for work on 20 August 1997, when in truth, she attended a private function and was physically absent from school. The respondent's act of punching her Daily Time Record constitutes Dishonesty for making it appear that she was present for work when in fact she was absent therefrom.