

## EN BANC

**[ A.M. NO. 04-10-619-RTC, February 10, 2005 ]**

### **DISAPPROVED APPOINTMENT OF NORAINA D. LINGAS AS STENOGRAPHER III, REGIONAL TRIAL COURT, BRANCH 8, MARAWI CITY**

### **D E C I S I O N**

#### **PER CURIAM:**

For resolution is an administrative case for Dishonesty and Falsification of an Official Document against Noraina D. Lingas which arose from the disapproval by the Civil Service Commission (CSC) of her appointment as Stenographer III, Regional Trial Court (RTC), Branch 8, 12th Judicial Region, Marawi City.

On 10 February 2004, the Supreme Court, through Acting Court Administrator Jose P. Perez, issued a Commission<sup>[1]</sup> evidencing the appointment of respondent Lingas as Court Stenographer III (Permanent) at the RTC, Branch 8, 12<sup>th</sup> Judicial Region, Marawi City. The appointment was for a change of status from Temporary to Permanent.

After receiving a copy of the aforementioned Commission on 18 February 2004, Arturo S.J. Panaligan, Director II, CSC-GSIS/SCP Field Office requested Regional Office No. 10 (Cagayan de Oro City), CSC, for verification of the authenticity of the Career Service Professional Eligibility of Ms. Lingas which was acquired from a CS Examination allegedly taken on 28 March 2003 in Cagayan de Oro City.

In a letter<sup>[2]</sup> dated 15 April 2004, Lourdes Clavite-Vidal, Director IV, Regional Office No. 10, CSC, informed Director Panaligan that there was no CS Professional Examination conducted in Cagayan de Oro City on 28 March 2003. Their records, however, show that a CS Subprofessional Computer Assisted Test (CAT) was given with a certain Noraina D. Lingas as one of the examinees getting a failing mark of 25.63%. She concluded that the attached certificate of rating is fake.

On 01 June 2004, Director Panaligan notified Acting Court Administrator Perez that, upon verification of Ms. Lingas's alleged Career Service Professional Eligibility, the name of the latter does not appear in the roster of eligibles. Thus, the appointment of Ms. Lingas was disapproved without prejudice to the filing of an administrative charge.<sup>[3]</sup> On the same day, the services of respondent Lingas as Court Stenographer III, RTC, Branch 8, Marawi City, were terminated.<sup>[4]</sup>

On 23 June 2004, Renante L. Loyola, SC Chief Judicial Staff Officer, RTC Personnel Division, Office of the Administrative Services, indorsed the case of Ms. Lingas to Atty. Wilhelmina D. Geronga, Officer-In-Charge (O-I-C), Legal Office, Office of the Court Administrator (OCA), for appropriate action.<sup>[5]</sup>

On 01 July 2004, Court Administrator Presbitero J. Velasco, Jr., required Ms. Limgas to comment within ten (10) days from receipt of the photocopies of the letter dated 01 June 2004 of Director Arturo S.J. Panaligan disapproving her appointment, and the letter of Director Lourdes Clavite-Vidal dated 15 April 2004.<sup>[6]</sup>

On 02 August 2004, the OCA received the Comment<sup>[7]</sup> of respondent Limgas dated 26 July 2004 which was forwarded by Santos B. Adiong, Presiding Judge of RTC, Branch 8, Marawi City.<sup>[8]</sup> The Comment was referred to Atty. Wilhelmina D. Geronga, O-I-C, Legal Office, OCA, for appropriate action.<sup>[9]</sup>

In her Comment, respondent Limgas claims she has no personal knowledge whether the certificate of eligibility<sup>[10]</sup> dated 28 March 2003 is genuine or fake. She maintains she did not falsify, tamper or alter any entries thereon and that said certificate was the one she received after taking the Civil Service Examination on 28 March 2003 at Cagayan de Oro City. To date, she said she has not received any other certificate that shows a failing result. She admitted having taken the CAT given by the CSC on 28 March 2003 at Cagayan de Oro City, but denies receiving the failed rating of 25.63%. The only rating she claims she has received was the passing rating (84.01%) which she attached to her application for change of status.

Respondent Limgas asserts that if she knew beforehand that the rating were fake, she would not be crazy enough to attach the same on her application for change of status knowing fully well this will adversely affect her reappointment, career, dignity and integrity as a public servant. She said she is a victim of injustice perpetrated by fixers, insiders and syndicates operating in the CSC Regional Offices. She asks for the Court's mercy and prays that her appointment as Stenographer III, RTC, Branch 8, Marawi City, be approved even on a Temporary Status while awaiting result of any investigation.

Court Administrator Presbitero J. Velasco, Jr., submitted a report dated 28 October 2004. He recommended that respondent be found guilty of dishonesty and that she be dismissed from the service with forfeiture of her retirement benefits and disqualification from reemployment in the government service.<sup>[11]</sup>

Respondent's acts of (1) submitting a fake Certificate of Eligibility in support of her application for change of status from Temporary to Permanent Court Stenographer III at the RTC, Branch 8, Marawi City, and (2) making an untruthful statement in her Personal Data Sheet by stating under Item No. 19 thereof that she passed the Career Service Professional Examination given at CSC Regional Office 10, Cagayan de Oro City on 28 March 2003 with a rating of 84.01% constitute Dishonesty and Falsification.

We find respondent Limgas's explanation that she has no personal knowledge as to the authenticity of the Certificate of Eligibility she received from the CSC which she attached to her Personal Data Sheet, to be unsatisfactory.

Respondent maintains that the Certificate of Eligibility/Rating she attached to her Personal Data Sheet was the one she received after taking the Civil Service Examination on 28 March 2003 at Cagayan de Oro City. She admitted she was an examinee of a CAT given by the CSC in Cagayan de Oro City on 28 March 2003. This