

EN BANC

[A.M. No. 2002-8-SC, December 18, 2002]

ZENAIDA DE GUZMAN, COMPLAINANT, VS. ANTONIO DELOS SANTOS, INFORMATION OFFICER III, PUBLICATION AND CIRCULATION DIVISION, OFFICE OF THE REPORTER (SUPREME COURT), RESPONDENT.

D E C I S I O N

PER CURIAM:

ELIGIBILITY TO PUBLIC OFFICE, given the facts of this case, must exist at the commencement and for the duration of the occupancy of such office; it is continuing in nature. Qualification for a particular office must be possessed at all times by one seeking it. An appointment of one deemed ineligible or unqualified gives him no right to hold on and must through due process be discharged at once.

On 14 November 2001 respondent Antonio delos Santos, Information Officer III, Publication and Circulation Division, Office of the Reporter, this Court, wrote Chief Justice Hilario G. Davide, Jr., applying for promotion to the position of Information Officer IV in the same office. Attached to his letter was a duly accomplished Civil Service Form 212, otherwise known as the *Personal Data Sheet (PDS)*, wherein respondent stated under Item 18 that he graduated from the Manuel L. Quezon University (MLQU) in 1992 with the degree of Bachelor of Science in Electrical Engineering (BSEE) after having allegedly attended school sometime in 1973 to 1992.

There were eight (8) other applicants to the position applied for. However, only three (3) were recommended for appointment by the *Selection and Promotion Board*, namely: (1) Zenaida de Guzman, Information Officer III, Office of the Reporter; (2) Fidela Dimson, Information Officer III, Office of the Reporter; and, (3) Antonio delos Santos, Information Officer III, all of the Office of the Reporter, this Court.

After assessing the qualifications of the three (3) best qualified applicants the Board recommended the appointment of respondent Antonio delos Santos as Information Officer IV. On 27 February 2002 his appointment was approved by the Chief Justice, Senior Associate Justice Josue N. Bellosillo, and Associate Justice Jose A.R. Melo,¹ the latter two as Chairmen of the Second and Third Divisions, respectively.

On 15 March 2002 complainant Zenaida de Guzman, contending that respondent Delos Santos was guilty of misrepresentation if not falsification and fabrication of his credentials regarding his educational attainment, wrote the Grievance Committee of this Court alleging that there was no record that respondent graduated from MLQU in 1992 with the degree of Bachelor of Science in Electrical Engineering, which fact was verified from the Commission on Higher Education (CHED).

The letter-complaint of Zenaida de Guzman was referred to the Complaints and Investigation Division, Office of Administrative Services (OAS), Supreme Court,

since the matter could not be the subject of conciliation and mediation.² The OAS then requested for information from the MLQU as to whether Antonio delos Santos was really a BSEE graduate of the school.

Responding to the query, Mr. Gregorio del Valle, Jr., MLQU Registrar, issued on 3 April 2002 a *Certification* that -

"x x x on the basis of records on file in this Office, a certain Mr. ANTONIO LARONA DELOS SANTOS enrolled in this University and lacks seventeen (17) units to finish the course leading to the degree of BACHELOR OF SCIENCE IN MECHANICAL ENGINEERING (B.S.M.E.) as of 2nd semester 1981-82 x x x x"

Subsequently, respondent was required to comment on the complaint. On 2 May 2002 he filed his comment wherein he categorically denied the charge of misrepresentation and falsification against him. He narrated how he finished his BSEE course in 1992 from the MLQU -

As far as the respondent can recall, in the school year of 1989-1990, as a returning student of MLQU, he inquired with the Office of the Registrar the possibility of enrolling all the subjects as required in his 2nd year, 2nd semester, electrical engineering course. After a quite (sic) conversation with the staff-in-charge of the engineering department, he was given a copy of the procedures in enrollment which is very rigid because of the long line of enrollees from every department or division of the university. Considering then that he was in office uniform (Barong) and the further fact that he is old enough to still enroll for that semester as compared to (sic) ordinary students who are generally young, he was simply eye-catcher or noticeable. It was at this junction that a staff from the Office of the Registrar, whom they called "Mario", approached him and offered to help in the speedy facilitation of his enrolment. He (Mario) even boasted to the respondent that the former can even lessen his burden of coming to school since he knew very well all the professors in the said university. Hence, he can request them to make his homework and projects at home instead of reporting to classes everyday till midnight through out the school year.

Inasmuch as the respondent is already old enough and further considering all factors such as he has children waiting for him at night, he has to travel from Quiapo to San Pedro, Laguna, he will have to guide his children in their assignments and he has to report for work, he was constrained to accept the offer of the said person (Mario). Who could have avoided this kind of proposal? But "Mario" assured the respondent that he will surely have a passing grade and he will definitely finish his course come October 1992.

Hence, the set-ups are like these: (1) Every first day of the semester, the respondent will give to "Mario" the money needed for his matriculation and the latter will facilitate the issuance of Certificate of Matriculation (COM) and all the class cards; (2) upon receiving the said documents, "Mario" will hand to him the assignments and projects for the whole semester; (3) the respondent will fill-up the class cards and will return them anew to "Mario" for delivery to the concerned professors; (4)

two (2) weeks before the end of the semester, the respondent will submit to "Mario" the said assignments and projects, the latter will then transmit them to the professors; (5) two (2) weeks or more after the end of the semester, the respondent will again return to the Registrar (sic) Office to meet with "Mario" and subsequently get his passing class cards. These procedures lasted until his graduation in March 1992. Their conversation (sic) usually happens (sic) right in (sic) the receiving counter inside the Office of the Registrar where "Mario" has free access any time of the day and he is very familiar to (sic) the personnel thereat. x x x x

And after the last semester in his 5th year, "Mario" told the respondent to return after one (1) week in order to get his certification to the effect that he has already finished his course. True to his words, "Mario" really gave him the said certification inside the Registrar (sic) Office.

Thereafter, on the following week, "Mario" gave to respondent his diploma and transcript of records over the counter, inside the Registrar (sic) Office. From thereon, the respondent never returns (sic) to MLQU and devoted himself in (sic) his job and family x x x x

When he learned of this administrative complaint, respondent went to the MLQU and made the proper verification but was dismayed to learn that he was not included in its roll of graduates; that "Mario" with whom he had previously transacted was not an employee of the school but a mere acquaintance of some of the staff members who had long been prohibited from entering the premises. He denied any intention to defraud the Court regarding his educational attainment as he merely relied on the documents given to him by "Mario" and believed in good faith that he was a BSEE degree holder from MLQU, a belief he maintains up to now. Respondent prayed nevertheless that should he be adjudged administratively liable notwithstanding his good faith, that justice be tempered with mercy considering that he himself was an innocent victim of circumstances; he has served the government for the past twenty-six (26) years; has consistently received a very satisfactory performance rating; and was the sole breadwinner of his family with five (5) children still attending school.

When required to submit his "academic records,"³ respondent regretted that he could not do so since all the documents, *i.e.*, receipts, certificates of matriculation, class cards, diploma, and transcript of records, were allegedly lost after robbers ransacked his house in December 1992.⁴ Nonetheless respondent promised to submit the *barangay* blotter and certification as soon as they were made available to him by the *barangay* secretary. But respondent never submitted the promised documents.

In a Memorandum dated 7 August 2002 Atty. Eden T. Candelaria, Chief Administrative Officer, Office of Administrative Services, this Court, found respondent liable for dishonesty, misconduct and falsification of an official document considering that a *Personal Data Sheet* was a mandatory requirement in applications for appointment and promotion where an applicant had the legal obligation to disclose the truth. Atty. Candelaria likewise observed a propensity in respondent to misrepresent information to advance his own interests since his previous promotions as Information Officer I in 1991 and as Information Officer III in 1993 for which a college degree was a mandatory requirement were approved presumably on the basis of the information he gave that he was a BSEE graduate. Atty. Candelaria thus