

EN BANC

[G.R. No. 139288, February 28, 2000]

LEONIDA S. ROMERO, PETITIONER, VS. CIVIL SERVICE COMMISSION, RESPONDENT.

R E S O L U T I O N

VITUG, J.:

Petitioner, Leonida S. Romero, is a Budget Officer II at the Department of Agriculture, Regional Office No. 1, San Fernando City.

On 07 December 1980, petitioner, claiming to be the daughter of a veteran during the last war, applied for and availed herself of Veterans Preference Rating ("VPR") of 10% to secure a permanent status for her appointment in the government. Upon compliance with the basic requirements therefor and the submission of the necessary documents in support of the application, petitioner was granted a Career Service Professional Eligibility and later appointed on permanent status at the Department of Agriculture regional office.

Following numerous reports reaching public respondent Civil Service Commission that a number of parents claimed by VPR avalees might not actually be veterans, the Commission temporarily suspended the program. When the suspension was lifted, a re-evaluation was conducted on the grant of the 10% VPR. On 16 September 1993, Philippine Veterans Affairs Office ("PVAO") submitted a report on the results of a revalidation of its records. The name of Pedro H. Soliven, the father of petitioner, was in the list of unconfirmed names.

The Civil Service Commission, in its resolution No. 95-5057 of 17 August 1995, found a *prima facie* case against petitioner. The latter was formally charged with Dishonesty and Falsification of Official Documents in the same resolution. In her answer to the charge, petitioner denied all allegations of dishonesty and averred that the certification issued by the Philippine Veterans Affairs Office in Manila (PVAO-4 Form No. 21132 A), dated 10 February 1987, was not a misrepresentation but an official document duly issued by PVAO. Petitioner likewise presented before the Commission documents to prove her filiation. During the clarificatory hearing that followed, Emma M. Cierva, PVAO Records Officer III, submitted a certification, dated 27 February 1997, to the following effect; *viz*:

"THIS IS TO CERTIFY that after a re-verification of available records in this Office, the name SOLIVEN, PEDRO T. appears in the Approved Revised Reconstructed Guerilla Roster (ARRGR) of 1948 as Pvt. of G Co., USAFIP-NL and Philippine Veterans Bank Listing."^[1]

The Commission, on further examination of the records, observed that the complete name of petitioner's father was Pedro Hadloc Soliven. In view of what appeared to be a discrepancy, the Commission again sought clarification from PVAO whether the

name of Pedro H. Soliven was in its list of veterans. In response to the query, Records Officer Cierva wrote a letter, bearing date of 30 October 1997, stating -

"For your information and guidance, the name SOLIVEN, PEDRO H. is not carried in the Approved Revised Reconstructed Guerilla Roster of 1948 nor a record of any approved claim (sic). Only SOLIVEN, PEDRO T. appears in the same Roster under G Co., USAFIP-NL. (Italics ours)."^[2]

The CSC thereupon coordinated with the Records Management and Archives Office (RMAO) in Manila and requested for available documents about Pedro H. Soliven and Pedro T. Soliven. In a letter, dated 04 May 1998, Teresita R. Ignacio, Chief, Archives Division, RMAO, wrote

"In connection with your letter of April 6, 1998 re: birth record of PEDRO H. SOLIVEN we regret to inform you that the document requested is not available in our files.

"x x x x x x x x x

"NOTE: Register of Births for Sta. Lucia, Ilocos Sur on file with this Office are inclusive only of 1922-1932. What we can issue in this regard is a certificate of non-availability. About PEDRO T. SOLIVEN, we can not furnish you a copy of the said document if you cannot provide us the informations needed."^[3]

The Civil Service Commission in its Resolution No. 982860, dated 04 November 1998, ultimately held petitioner Leonida S. Romero guilty of Dishonesty and Falsification of Official Documents. Thus:

"In as much as the documents on record show that the Philippine Veterans Affairs Office (PVAO) has only the record of Pedro T. Soliven and none of Pedro H. Soliven, respondent's father, Romero failed to controvert the fact that the VPR Certificate she used was spurious and that she is not entitled to such veteran preference rating since her father is not a veteran. In the absence of satisfactory explanation, any person who is found in possession of or who used a forged document is the forger or one who caused the forgery (*People vs. Cabagnot*, 300 SCRA 993 and *Alarcon vs. CA*, 19 SCRA 681).

"WHEREFORE, Leonida S. Romero is hereby found guilty of Dishonesty and Falsification of Official Documents. Accordingly, she is meted out the penalty of dismissal with all the accessory penalties."^[4]

Petitioner filed a motion for reconsideration but the same was denied by the Commission in its Resolution No. 990601 of 09 March 1999.

Aggrieved, petitioner filed her petition for review before the Court of Appeals. The petition, however, was outrightly dismissed by the Court of Appeals in its resolution of 18 May 1999 on the following grounds:

"Upon examination of the petitioner's urgent Motion for Extension of Time to file Petition for Review, and the Petition for Review itself, and it

appearing that --

- "1. It does not contain a statement of the specific material date, showing when the petitioner actually received a copy of Civil Service Commission Resolution No. 982860 (Annex C of the Petition), dated November 4, 1998, which will thus enable this Court to determine whether the petitioner seasonably filed her motion for reconsideration thereof;
- "2. The Petition does not spell out the grounds relied upon for the review; and
- "3. The copy of Resolution No. 955057 (Annex G of the Petition), dated August 17, 1995, is not a properly certified true copy thereof, in violation of Supreme Court Administrative Circular No. 3-96, dated April 17, 1996 to wit:

"x x x x x x x x x

"All these in violation of Sections 6 and 7, Rule 43 of the 1997 Rules of Civil Procedure, as amended, to wit:

"Sec. 6. Contents of the petition. -- The petition for review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; (c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers; and (d) contain a sworn certification against forum-shopping as provided in the last paragraph of Section 2, Rule 42. The petition shall state the specific material dates showing that it was filed within the period fixed herein.'

S"Sec. 7. Effect of failure to comply with requirements. -- The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof."[5]

Petitioner's motion for reconsideration was denied by the appellate court in its Resolution of 17 June 1999.

Hence, this petition, asseverating -

- "a. That the Honorable Court of Appeals abused its judicial discretion in denying petitioner/appellant's Motion for Reconsideration;
- "b. That the respondent/appellee made a reversible error in finding the petitioner/appellant guilty of the offenses charged