

FIFTH DIVISION

[CA-G.R. SP NO. 130523, March 05, 2015]

CORAZON W. SOMERA., PETITIONER, VS. THE CIVIL SERVICE COMMISSION, RESPONDENTS.

DECISION

GARCIA-FERNANDEZ, J.:

This is a petition for review under Rule 43 of the Rules of Court seeking to reverse and set aside Decision No. 120727 promulgated October 22, 2012^[1] and Resolution No. 1300872 promulgated May 7, 2013^[2] issued by the Civil Service Commission, dismissing the appeal filed by petitioner Corazon W. Somera.

The factual antecedents are as follows:

The Civil Service Commission-Kalinga Field Office received a letter-complaint dated June 16, 2010 signed by Carlota Pinading, Maribeth Masa-aw, Rose Layugan, et.al.^[3], alleging that petitioner Corazon Somera, a teacher of Kinama National High School, Rizal, Kalinga, allowed another person to take the Professional Board Examination for Teachers (PBET) in her behalf in 1986. CSC-Kalinga Field Office forwarded the letter-complaint to the Civil Service Commission Cordillera Administrative Region (CSC-CAR) for further action. Acting on the letter-complaint, CSC-CAR conducted a preliminary investigation, during which petitioner denied the charge, saying that the picture attached to the picture seat plan of the PBET is her picture.

After conducting a preliminary investigation, CSC-CAR found a *prima facie* case against petitioner. Thus, petitioner was formally charged^[4] with Serious Dishonesty, Falsification of Official Documents, and Conduct Prejudicial to the Best Interest of the Service. The case was docketed as Disciplinary Admin. Case No. KA-10-065.

In her answer^[5], petitioner alleges that she personally applied for PBET and took the same on October 26, 1986 in Tuguegarao City, Cagayan; that petitioner stayed in the house of her town mate, Sergio Wacdagan Dinulog^[6] the night before the exam; that petitioner rode with Dinulog and Noel C. Batoy^[7] to Tuguegarao City early morning on October 26, 1986; that during the exam, the examiner and proctor did not find any problem regarding her examination records; and that she took the exam with Mary Dolores Lanipao^[8] and Elizabeth Gabuat, both from Kalinga. Petitioner claims that the alleged discrepancies on her personal data sheets on January 22, 1996, October 30, 1998, July 16, 2001, and May 8, 2006, when compared with her picture in the PBET picture plan, is not conclusive proof to hold her liable for the charges imputed against her.

The CSC-CAR found petitioner guilty of Serious Dishonesty, Falsification of Official

Documents, and Conduct Prejudicial to the Best Interest of the Service in its decision promulgated January 13, 2012^[9]. Petitioner was meted with the penalty of dismissal with all its accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualification for reemployment in government service, as well as being barred from taking any future civil service examinations. The CSC-CAR explained:

"Comparison of the photograph and signature of Somera in her Personal Data Sheets accomplished on June 15, 1987, January 22, 1996, October 30, 1998, July 16, 2001, and May 8, 2006, against the photograph and signature of the examinee Somera in the regular and enlarged copy of the Picture Seat Plan of the room where the examinee Somera took the October 26, 1986 PBET at Tuguegarao, Cagayan reveals immense disparities.

The pictures of the true Somera in her PD's from 1996 to 2006, and in the photographs she submitted, reveal the transition of her facial features when she got older but the basic features of her face remained all thru out. It never changed as to contour, eyes, lips, cheek bone and nose. These pictures reveal no resemblance or similarity whatsoever to the picture of the examinee Somera in the Picture Seat Plan in the October 26, 1986 PBET. Conclusively, another person took the examination for and in her behalf.

It is clear from all the PDS signed by the true Somera that she maintained her customary signature in all these documents. On the other hand, the examinee Somera wrote a very different signature in the PSP. The only logical conclusion that could be drawn from such phenomenon is that the signature in the October 26, 1986 PBET belongs to another person and not that of the true Somera.

The fact that the signature in the picture seat plan was not that of the true Somera became more evident when, during the Preliminary Investigation conducted on September 26, 2011, when asked to sign the way the examinee Somera did in the Picture Seat Plan, the true Somera had the difficulty imitating the signature as appearing therein despite effort on her part to emulate the same. As could be gleaned from the notes of the hearing officer, Somera tried to produce a specimen similar to that of the signature of the examinee Somera.

Aside from the photograph and signature, the penmanship or handwriting of the true Somera in all her PDS compared to that appearing in the Picture Seat Plan also reveal marked differences. The penmanship or handwriting of the true Somera and the examinee Somera differ in terms of stroke, style, slant, depth and pressure.

Obviously, all these findings lead to one conclusion – the examinee Somera is not the true Somera. Rather, another person took the examination for and in behalf of the true Somera."

Petitioner filed a motion for reconsideration^[10] with CSC-CAR but the CSC-CAR denied the motion in its motion resolution no. 12-008 DC promulgated May 14,

2012^[11].

Aggrieved, petitioner filed an appeal^[12] with the CSC. While the appeal was pending with the CSC, petitioner, through counsel, sent a letter^[13] addressed to the National Bureau of Investigation (NBI), requesting the comparison of the handwriting and thumbprint of petitioner with the handwriting and thumbprint records of the PBET held on October 26, 1986. In its letter dated November 13, 2012^[14], the NBI told petitioner's counsel that there must be an official request for handwriting examination from the CSC before they could act on the request. Petitioner then sent a letter^[15] to the CSC requesting that the latter engage the services of the NBI to conduct the handwriting and thumbprint examination. Acting on the letter, the CSC issued an order^[16] giving petitioner fifteen (15) days to submit the results of the NBI investigation. Petitioner moved for reconsideration with the CSC^[17] praying that the latter makes an official request for handwriting examination addressed to the NBI.

The CSC promulgated the assailed decision^[18] on October 22, 2012, dismissing the appeal (treated as petition for review) of petitioner. The dispositive portion reads:

"WHEREFORE, foregoing considered, the appeal (treated as petition for review) of Corazon W. Somera, is hereby **DISMISSED**. Accordingly, the Decision No. 12-003 DC dated January 13, 2012 of Civil Service Commission – Cordillera Administration Region (CSC-CAR), Baguio City, is **MODIFIED** to the extent that Somera is found guilty of two (2) counts of Serious Dishonesty, Falsification of Official Document, and Conduct Grossly Prejudicial to the Best Interest of the Service but the penalty of dismissal from the service with all the accessory penalties of forfeiture of retirement benefits, perpetual disqualification from holding public office, and bar from taking civil service examinations and cancellation of her eligibility imposed upon her is **AFFIRMED.**"

In ruling accordingly, the CSC stated that based on the comparison of petitioner's picture and signature in the PDS, an official document, accomplished on June 15, 1987, January 22, 1996, October 30, 1998, July 16, 2001, and May 8, 2006 vis-a-vis the picture seat plan during the October 26, 1986 PBET, petitioner committed Serious Dishonesty when she allowed another person to take on her behalf the PBET on October 26, 1986; that petitioner's declaration in each of her five (5) personal data sheets that she took and passed the PBET on October 26, 1986 for the purpose of getting an appointment from the Department of Education as a teacher constitutes five (5) counts of Dishonesty; that said declaration also constitutes Falsification of Official Document; and that petitioner's act is also tantamount to Conduct Prejudicial to the Best Interest of the Service, a violation which is intrinsically connected with dishonesty.

Petitioner's motion for reconsideration was denied by the CSC in its resolution promulgated May 7, 2013^[19]. Thus, petitioner filed the instant petition for review before this Court.

Petitioner raises the following issues in this petition: 1) Whether the decision of the CSC is supported by substantial evidence as contemplated by law because the CSC failed to discuss the discrepancy between the PBET records and the five (5) PDS;