

## TWELFTH DIVISION

[ CA-G.R. SP. No. 114650, January 17, 2014 ]

**RADINAL P. SANTOS, PETITIONER, V. CIVIL SERVICE  
COMMISSION, RESPONDENT.**

### D E C I S I O N

**ELBINIAS, J.:**

For disposition is a Petition for Review<sup>[1]</sup> filed under Rule 43 of the Rules of Court. The Petition assails the Resolution No. 091736<sup>[2]</sup> dated December 11, 2009 of respondent Civil Service Commission ("respondent CSC" for brevity), which Resolution affirmed the Decision<sup>[3]</sup> dated October 9, 2008 of CSC Regional Office No. III ("CSCRO No. III" for brevity) in ADMIN. CASE NO. D3-02-40 for "Dishonesty, Grave Misconduct, Falsification of Official Documents and Conduct Prejudicial to the Best Interest of the Service."<sup>[4]</sup> The Petition also questions respondent CSC's Resolution No. 100951<sup>[5]</sup> dated May 17, 2010, which denied petitioner's eventual Motion for Reconsideration<sup>[6]</sup>.

The antecedent facts are those as stated in respondent CSC's Resolution No. 091736<sup>[7]</sup> dated December 11, 2009, as follows:

"It is on record that on March 1, 2001, [Radinal P.] **Santos (*petitioner here*)** was issued an appointment as **Customer Service Assistant E at the San Rafael Water District [SRWD], San Rafael, Bulacan**. In support of his appointment, Santos (*petitioner*) submitted his **Personal Data Sheet (PDS)** which he accomplished on **February 28, 2001** where he indicated in **Item 19** thereof that he passed the **Career Service Professional Examination-Computer Assisted Test (CAT)** given on **December 6, 2000** by the **Civil Service Commission-National Capital Region (CSC-NCR)** with a **purported rating of 85.14%**. Said [A]ppointment and PDS were subsequently submitted to the **CSC Field Office-Bulacan** for attestation/approval. Santos (*petitioner*) also submitted a copy of his supposed **Career Service Professional Certificate of Eligibility** bearing **Examination No. 115598WE** indicating that he ostensibly obtained a rating of **85.14%** in the **CS Professional Examination-CAT** given at the **CSC-NCR Building** on **December 6, 2000**.

Sometime thereafter, **two (2) letters** dated **March 22, 2001** and **January 18, 2002** were received from certain persons identifying themselves as '**Mga Nagmamalasakit na Mamamayan**.' xxx

Upon receipt of the abovementioned letters, **the CSCRO No. III forthwith conducted an investigation upon which discrepancies were noted on the records of some examinees who took the**

**December 6, 2000 Career Service Professional Examination-CAT held at Room 002 of the CSC-NCR Building.** In particular, it was found, among other things, that **the supposed respective pictures and signatures of Santos (*petitioner*) on his purported Application Form filled-in on November 27, 2000 and on the Picture Seat Plan (PSP) of said examination are different from the picture attached and signature affixed on his PDS which he accomplished on February 28, 2001.**

On account of such discrepancy, Santos (*petitioner*) was required, though an Order dated April 9, 2002 issued by the CSCRO No. III, to submit his comment thereto and to show cause why he should not be held liable for the irregularity that transpired during said examination. In compliance with said Order, **Santos (*petitioner*) submitted a Comment** dated May 22, 2001 which he jointly executed with the other SRWD employees named in the two earlier mentioned letters where they, among other things, vehemently **denied that another person took the December 6, 2000 CS Professional Examination-CAT for and in their behalf.**

Finding his explanation unsatisfactory, **Santos (*petitioner*) was issued a Formal Charge dated October 9, 2002 by the CSCRO No. III for Dishonesty, Grave Misconduct, Falsification of Official Documents, and Conduct Prejudicial to the Best Interest of the Service.** xxx

**Santos (*petitioner*) subsequently submitted an Affidavit dated December 23, 2002 where he strongly denied all the charges against him 'for lack of sufficient and legal basis.'** Santos (*petitioner*) also submitted his Answer bearing the same date of December 23, 2002 to the Formal Charge xxx

**The explanation of Santos as contained in the aforequoted Answer was still found wanting. Hence, the formal investigation of the case against him ensued."**<sup>[8]</sup> (*Emphasis Supplied*)

On October 9, 2008, the CSCRO No. III rendered a Decision<sup>[9]</sup> finding petitioner Radinal P. Santos ("petitioner Santos" or "petitioner" for brevity) guilty of "Serious Dishonesty, Grave Misconduct, and Falsification of Official Documents" and imposing upon him the penalty of Dismissal from Service, with the accessory penalties of Cancellation of Eligibility, Forfeiture of Retirement Benefits, Perpetual Disqualification from Reemployment in Government Service and Bar from Taking any Civil Service Examination.<sup>[10]</sup>

Petitioner Santos then filed a Motion for Reconsideration<sup>[11]</sup> of CSCRO No. III's Decision<sup>[12]</sup> dated October 9, 2008, which Motion however, was denied by the CSCRO No. III in its Order<sup>[13]</sup> dated June 22, 2009 for lack of merit.<sup>[14]</sup>

Upon petitioner's appeal<sup>[15]</sup>, which was treated as a Petition for Review<sup>[16]</sup>, respondent CSC issued the assailed Resolution No. 091736<sup>[17]</sup> dated December 11, 2009, which affirmed but modified the CSCRO No. III's Decision<sup>[18]</sup> dated October 9, 2008, in that petitioner was found guilty only of "plain Dishonesty, Grave Misconduct, and Falsification of Official Documents."<sup>[19]</sup> The dispositive portion of the Resolution read as follows:

**"WHEREFORE**, the petition for review of Radinal P. Santos is hereby **DISMISSED** for want of merit. Accordingly, the Decision dated October 9, 2008 of the Civil Service Commission Regional Office No. III, City of San Fernando, Pampanga, finding Radinal P. Santos guilty of Serious Dishonesty[,], Grave Misconduct, and Falsification of Official Documents; and the Order dated June 22, 2009 denying his motion for reconsideration are both **AFFIRMED** but with **MODIFICATION** in that he is found guilty only of plain Dishonesty, Grave Misconduct, and Falsification of Official Documents for which he is imposed the penalty of dismissal from the service including the accessory penalties of cancellation of civil service eligibility, bar from taking any civil service examination in the future, forfeiture of retirement benefits, and perpetual disqualification from being re-employed in the government."<sup>[20]</sup>  
(*Emphasis was made in the original*)

After petitioner's Motion for Reconsideration<sup>[21]</sup> was denied by respondent CSC in the other assailed Resolution No. 100951<sup>[22]</sup> dated May 17, 2010, petitioner filed the Petition for Review at bench, praying that:

"WHEREFORE, it is most respectfully prayed of this Honorable Court that Resolution No. 091736 dated December 11, 2009 and Resolution No. 100951 dated May 17, 2010, issued by the respondent Civil Service Commission be **Reversed** and **Set Aside**.

Other reliefs and remedies are likewise prayed."<sup>[23]</sup> (*Emphasis was made in the original*)

Petitioner Santos raised this sole assignment of error:

"THE RESPONDENT ERRED IN HOLDING THAT THERE IS SUBSTANTIAL EVIDENCE TO HOLD THE PETITIONER ADMINISTRATIVELY LIABLE FOR DISHONESTY, GRAVE MISCONDUCT AND FALSIFICATION OF OFFICIAL DOCUMENTS."<sup>[24]</sup>

Contrary to the arguments of petitioner Santos in his sole *assignment of error*, there was substantial evidence to hold him liable for "Dishonesty, Grave Misconduct, and Falsification of Official Documents".

Petitioner had raised the following arguments:

"In the assailed resolution dated December 11, 2009, the respondent held:

'The act of Santos in misrepresenting in his PDS that he has civil service eligibility constitutes dishonesty and falsification of official documents.'

Petitioner cannot be said to have made false statements in his Personal Data Sheet (PDS) because he is, in truth and in fact, a holder of Civil Service Eligibility. Consequently, he cannot be considered to have falsified official documents or have committed grave dishonesty when he stated therein that [h]e passed the Civil Service Professional Examination held on November 2007.

**The evidence relied upon by the respondent in affirming the decision of the Regional Office, with all due respect, are purely hearsay. There is no testimonial evidence presented whatsoever to prove the existence and due execution of the alleged official documents. Even during the trial on the formal charge, nobody identified all the evidence presented by the Prosecution. The prosecution failed to rebut the presumption of regularity in the performance of official duty of public officials who were present when the examination was taken.**

On the other hand, **the petitioner presented testimonial evidence which proved that, indeed on the date of Professional Career Service examination, he actually took the examination. Such evidence remains unrebutted up to this date.**"<sup>[25]</sup>

Prevailing over petitioner Santos' arguments however, is that the documentary evidence submitted by the prosecution showed that another person took the Civil Service Professional Examination-Computer Assisted Test ("subject CS Examination" for brevity) that was held on December 6, 2000 for and in behalf of petitioner Santos.

These documents were the following: petitioner's Application Form ("AF" for brevity) for the subject CS Examination; the Picture Seat Plan ("PSP" for brevity) of such CS Examination; petitioner's supposed Civil Service Professional Certificate of Eligibility, and; petitioner's Personal Data Sheet ("PDS" for brevity) which petitioner had accomplished on February 28, 2001. As was found by respondent CSC, petitioner's picture that was attached to, and the signature affixed in his PDS were different from the picture and signature shown in his AF and in the PSP of the subject CS Examination. All of these were as also found by respondent CSC in the assailed Resolution No. 091736<sup>[26]</sup> dated December 11, 2009, to wit:

"Santos further claims that the pieces of evidence presented against him are irrelevant and immaterial such that his guilt was not duly established. This contention of [Santos] is utterly devoid of merit. Be it stressed that during the proceedings, **the prosecution submitted and presented Santos' purported application to take the December 6, 2000 CS Professional Examination-CAT which he filled-in on November 27, 2000, the PSP of said examination, his supposed CS Professional Certificate of Eligibility, and his PDS which he accomplished on February 28, 2001** where he indicated in Item 19 thereof that he passed said examination with a rating of 85.14%. **It will easily be noted that the picture attached and the signature affixed in his PDS are starkly different from his supposed application to take and the PSP of said examination. All of these documents are vital, relevant, and material in establishing Santos' guilt. The difference of the person appearing in the pictures and signatures on these documents will indubitably establish that a different person applied for and took the December 6, 2000 CS Professional Examination-CAT for and in behalf of Santos.**"<sup>[27]</sup> (*Emphasis Supplied*)

These pieces of evidence consisted of public documents, which in turn were admissible without further proof of their genuineness or authenticity, as is pursuant

to the following pronouncement of the Supreme Court in ***Heirs of Jose Marcial K. Ochoa vs. G&S Transport Corporation, G.R. No. 170071, July 16, 2012***:

*"The requirement of authentication of documentary evidence applies only to a private document.*

It is true that before a private document offered as authentic be received in evidence, its due execution and authenticity must first be proved. However, it must be remembered that this **requirement of authentication** only pertains to private documents and **'does not apply to public documents, these being admissible without further proof of their due execution or genuineness.** Two reasons may be advanced in support of this rule, namely: said documents have been executed in the proper registry and are presumed to be valid and genuine until the contrary is shown by clear and convincing proof; and, second, because public documents are authenticated by the official signature and seals which they bear and of which seals, courts may take judicial notice.' Hence, in a case, the Court held that **in the presentation of public documents as evidence, due execution and authenticity thereof are already presumed."** (*Italics was made in the original, emphasis supplied*)

The contents of the AF and the PSP could also be properly relied upon by respondent CSC even without the testimonies of the officials who conducted the subject CS Examination. This is because the AF and the PSP being public documents, the entries in these documents were considered *prima facie* evidence of the facts stated there,<sup>[28]</sup> as was similarly pronounced by the Supreme Court in ***People of the Philippines vs. Rosario "Rose" Ochoa, G.R. No. 173792, August 31, 2011***, as follows:

"Section 36, Rule 130 of the Revised Rules on Evidence, states that a witness can testify only to those facts which he knows of or comes from his personal knowledge, that is, which are derived from his perception. A witness, therefore, may not testify as to what he merely learned from others either because he was told, or he read or heard the same. Such testimony is considered hearsay and may not be received as proof of the truth of what he has learned. This is known as the hearsay rule.

**The law, however, provides for specific exceptions to the hearsay rule. One of the exceptions is the entries in official records made in the performance of duty by a public officer. In other words, official entries are admissible in evidence regardless of whether the officer or person who made them was presented and testified in court, since these entries are considered *prima facie* evidence of the facts stated therein.** Other recognized reasons for this exception are necessity and trustworthiness. The necessity consists in the inconvenience and difficulty of requiring the official's attendance as a witness to testify to innumerable transactions in the course of his duty. This will also unduly hamper public business. The trustworthiness consists in the presumption of regularity of performance of official duty by a public officer." (*Emphasis supplied*)