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December 14, 2010 Resolutions. This will be deeply unsettling and will prejudice the stability and reliability of final judgments of the Court.

To repeat, the essence of the principle of immutability of final judgments is that "once a judgment becomes final, it may no longer be modified in any respect even if the modification is meant to correct erroneous conclusions of law and fact."

The members of the Court must strongly adhere to and respect its final and executed decisions. To expose the decisions of this Court to the risk of being reopened or set aside any time would simply make the decisions of this Court a mockery and a farce. If the Court itself will resurrect final and executed decisions, then who and what will stop parties and non-parties from following suit? The potential damage to the institution is unthinkable.

Thus, I vote to deny the motion of IBP-SLR for lack of merit.

EN BANC

[A.M. No. P-08-2531. April 11, 2013]
(Formerly A.M. No. 08-7-220-MTCC)

CIVIL SERVICE COMMISSION, *complainant, vs.* **MERLE RAMONEDA-PITA, Clerk III, Municipal Trial Court in Cities, Danao City,** *respondent.*

SYLLABUS

1. POLITICAL LAW; JUDICIAL DEPARTMENT; SUPREME COURT; HAS THE SOLE POWER TO OVERSEE THE JUDGES' AND COURT PERSONNEL'S ADMINISTRATIVE COMPLIANCE WITH ALL LAWS, RULES AND

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REGULATIONS; EXCEPTION PRESENT IN CASE AT BAR.— We have always maintained that it is only the Supreme Court that can oversee the judges' and court personnel's administrative compliance with all laws, rules and regulations. No other branch of government may intrude into this power, without running afoul of the doctrine of separation of powers. However, as aptly pointed out by the OCA, Ramoneda-Pita was afforded the full protection of the law, that is, afforded due process. She was able to file several affidavits and pleadings before the CSC with counsel. It may also be noted that the case had been elevated to the Court of Appeals and this Court, where the Resolution of the CSC was upheld in both instances. x x x In any event, the OCA had asked Ramoneda-Pita to comment on the matter. She was therefore given due notice and fair hearing. It is noteworthy that she only rehashed the arguments that she raised before the CSC proceedings.

2. ID.; ADMINISTRATIVE LAW; PUBLIC OFFICERS AND EMPLOYEES; COURT PERSONNEL; DISHONESTY; ESTABLISHED IN CASE AT BAR.— A careful review of the documents submitted before the CSC and a perusal of its investigation reports in the present case, convince us that Ramoneda-Pita was not the one who took the Civil Service Sub-Professional Examinations conducted on July 26, 1987. Specimen signatures in the various PDS she had submitted over the years to the Court do not resemble the signature which appeared in the seat plan of the CSC. Moreover, no substantive evidence was presented by Ramoneda-Pita to bolster her defense that she was not able to develop a settled signature. Nor did she substantiate her claim that the difference between the pictures in the PSP and the PDS is due to the aging process.

3. ID.; ID.; ID.; ID.; SHOULD HOLD THE HIGHEST STANDARD OF INTEGRITY FOR THEY ARE A REFLECTION OF THE ESTEEMED INSTITUTION WHICH THEY SERVE.— This Court cannot stress enough that its employees should hold the highest standard of integrity for they are a reflection of this esteemed institution which they serve. It certainly cannot countenance any form of dishonesty perpetrated by its employees. x x x In this case, Ramoneda-Pita's length of service in the judiciary is inconsequential. The CSC's discovery of the perfidy in her acquisition of her civil service eligibility and her insistence in stating that she is civil service eligible in her PDS when she

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had been already found guilty of an administrative charge even after the finality of the CSC Resolution and even after her seeking clemency tell this Court that Ramoneda-Pita has not and does not live up to the high standards demanded of a court employee. As the Court has previously stated it will not hesitate to rid the ranks of undesirables.

D E C I S I O N

***PER CURIAM*:**

This administrative case arose from a letter[1] dated June 23, 2006 by Director David E. Cabanag, Jr. of the Civil Service Commission (CSC) Regional Office No. VII calling the attention of the Office of the Court Administrator (OCA) to the continued employment of Merle Ramoneda-Pita (Ramoneda-Pita) as Clerk III of the Municipal Trial Court in Cities (MTCC), Danao City. It informed the OCA that in CSC Resolution No. 010263[2] dated January 26, 2001, Ramoneda-Pita was found guilty of dishonesty and dismissed from the service. As accessory penalties, she was perpetually barred from joining government service and her civil service eligibility was revoked. However, Ramoneda-Pita did not declare her ineligibility when she stated in her Personnel Data Sheet (PDS)[3] dated June 14, 2005 that she had never been involved in any administrative case and that she was civil service eligible.

The antecedent facts follow.

On March 23, 1998, an anonymous letter[4] informed the CSC of an alleged irregularity in the civil service eligibility of Ramoneda-Pita. The letter stated that the irregularity concerned Ramoneda-

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[1] *Rollo*, pp. 7-8.

[2] *Id.* at 17-21. Entitled *Re: Dishonesty*. Signed by Commissioner Jose F. Erestain, Jr., Chairman Corazon Alma G. de Leon and Commissioner J. Waldemar V. Valmores and attested by Director III Ariel G. Ronquillo.

[3] *Id.* at 23-24.

[4] *Id.* at 249.

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Pita's taking of the Career Service Sub-Professional Examination held in Cebu City on July 26, 1987.

The CSC retrieved the records for the July 26, 1987 examinations and compared the pictures and signatures of Ramoneda-Pita as they appeared in the Picture Seat Plan (PSP) for the exam and her PDS dated October 17, 1990. As the pictures and signatures did not match, the CSC required Ramoneda-Pita to explain why it seemed that another person took the civil service examination on her behalf.

Ramoneda-Pita denied that someone else took the civil service examinations in her stead. She averred that she took the civil service examinations on July 30, 1986 and not July 26, 1987. She explained that there were dissimilarities in the pictures in the PSP and the PDS because these were not taken on the same year and might have deteriorated in quality over the years. On the other hand, she accounted for the difference in her signatures to her low educational attainment leading to her non-development and non-maintenance of a usual signature.[5]

In its Investigation Report[6] dated May 3, 1999, the CSC made the following observations and recommendation:

> The person who actually took the Career Service Subprofessional Examination on July 26, 1987 in Cebu City, was the "Merle C. Ramoneda" whose picture and signature were affixed in the Admission Slip/Notice of Admission and in the Picture Seat Plan, is NOT the "Merle C. Ramoneda" whose picture and signature appear in the Personal Data Sheet dated October 17, 19[9]0 of the real Merle C. Ramoneda.
>
> In view of the foregoing, considering that the evidence presented [is] substantial, it is recommended that respondent Merle C. Ramoneda be adjudged guilty of the charges and meted the penalty of dismissal with all its accessories.[7]

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[5] *Id.* at 250.

[6] *Id.* at 262-272; signed by Director IV Jesse J. Caberoy.

[7] *Id.* at 272.

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Thus, the CSC issued Resolution No. 010263 dated January 26, 2001 finding Ramoneda-Pita guilty of dishonesty, the dispositive portion of which reads as follows:

> **WHEREFORE**, the Commission hereby finds Merle C. Ramoneda guilty of the offense of Dishonesty. Accordingly, the penalty of dismissal from the service with all its accessory penalties is imposed.
>
> Since the respondent is not in the government service, the penalty of dismissal is deemed implemented. She is also perpetually barred from entering the government service and from taking any civil service examination in the future. Her Civil Service Sub-Professional Eligibility is likewise revoked.
>
> Let a copy of this Resolution be furnished the Office of the Ombudsman-Visayas for whatever legal action it may take under the premises.[8]

Ramoneda-Pita moved for reconsideration but the CSC denied it in Resolution No. 010880[9] dated May 3, 2001.

Ramoneda-Pita appealed CSC Resolution Nos. 010263 and 010880 to the Court of Appeals and, subsequently, to this Court. In both instances, her appeal was denied.[10]

On January 14, 2005, Ramoneda-Pita wrote to then President Gloria Macapagal-Arroyo appealing for clemency stating that she accepted her fate and turned a new leaf with a solemn commitment to do good for the rest of her life. The Office of the President referred the matter to Director David Cabanag, Jr. of the CSC Regional Office No. VII for validation, verification and investigation.[11]

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[8] *Id.* at 21.

[9] *Id.* at 122-124. Signed by Commissioner Jose F. Erestain, Jr., Chairman Karina Constantino-David and Commissioner J. Waldemar V. Valmores.

[10] *Id.* at 61-72; OCA Memorandum dated February 19. 2009, citing Court of Appeals Decision dated December 29, 2003 and SC Resolutions dated July 27, 2004 and November 9, 2004 in G.R. No. 164200.

[11] *Id.* at 64.

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While the appeal for clemency was pending and in the course of the CSC's investigation, the CSC discovered that, again, Ramoneda-Pita had been declaring in her PDS, particularly the PDS dated June 14, 2005 submitted to the Supreme Court, that she had not been found guilty in any administrative case and that she was civil service eligible.[12]

Thus, on May 11, 2006, the CSC, in its Investigation Report[13] pursuant to the Office of the President's referral, found that Ramoneda-Pita had not sufficiently established moral reformation which is crucial in the grant of executive clemency. It recommended that the plea for executive clemency be denied.

On June 23, 2006, Director Cabanag, Jr. wrote a letter to the OCA informing it of the continued employment of Ramoneda-Pita as Clerk III of the MTCC, Danao City despite the finality of CSC Resolution No. 010263.

On August 18, 2006, the OCA required Ramoneda-Pita to submit her comment within fifteen (15) days.

In her Comment dated September 7, 2006, Ramoneda-Pita asserted that she never concealed that she had been previously found guilty of dishonesty. She claimed that her immediate supervisor, Judge Manuel D. Patalinghug, was furnished a copy of CSC Resolution No. 010263. She admitted having filed request for executive clemency with the Office of the President. In connection to this, she said that the CSC directed her to submit some documents needed for its processing. She explained that she made the entries in her June 14, 2005 PDS because she wanted to be consistent in her statements in her previous PDS and, considering her low education, she just copied the data entries contained in her earlier PDS. She said that it was never her intention to falsify the PDS and she did not understand the legal implications. She prayed for the Court's understanding and cited her good record during her years of service.

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[12] *Id.*

[13] *Id.* at 476-479.

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In its Report[14] dated July 4, 2008, the OCA recommended, among others, that the case be docketed as a regular administrative matter and that this Court conduct its own investigation on the matter.

This Court noted and adopted the recommendation of the OCA in a Resolution[15] dated August 6, 2008 where it directed the OCA to conduct its own investigation on the matter and submit a report and recommendation thereon.

Thus, this administrative case.

In its Memorandum[16] dated February 19, 2009, the OCA recommended Ramoneda-Pita's dismissal from the service. It found that Ramoneda-Pita fully participated in the proceedings before the CSC never once questioning its jurisdiction. It stated:

> In the instant case, respondent Ramoneda-Pita, who never even questioned the jurisdiction of the CSC, fully participated in the proceedings before the CSC. Although she was not yet a Supreme Court employee when the CSC instituted the case against her, she had already become a member of the judiciary when Resolution No. 01-0263 dated January 26, 2001 finding her guilty and meting her the penalty of dismissal was issued - having been appointed by the Court to her present position on July 24, 2000. Her motion for reconsideration of the CSC Resolution was denied. The respondent then filed a petition for review before the Court of Appeals which affirmed the same Resolution. A petition for review on *certiorari* under Rule 45 was filed with the Supreme Court which in its Resolution dated August 24, 2004 found no reversible error in the challenged decision of the Court of Appeals to warrant the exercise by the Court of its discretionary appellate jurisdiction in the case. Taking into consideration the pronouncement in the Ampong case, we believe that with all the more reason the doctrine of estoppel should thus be considered applicable in the instant case as the respondent went all the way to the Supreme Court to question the CSC Resolution. In addition, the Court itself has even ruled on the case, effectively

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[14] *Id.* at 1-5. Signed by Court Administrator Zenaida N. Elepaño and Deputy Court Administrator Antonio H. Dujua.

[15] *Id.* at 57-58.

[16] *Id.* at 61-72.

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upholding CSC Resolution No. 01-0263 when it explicitly stated that ***in any event, the petition would still be denied for failure thereof to sufficiently show that the public respondent committed any reversible error in the challenged decision as to warrant the exercise by this Court of its discretionary appellate jurisdiction in this case.***

x x x x x x x x x

There lies the question as to how should respondent then be proceeded against with respect to her employment in the [J]udiciary. We deem that we cannot just implement CSC Resolution No. 01-0263 and dismiss the respondent outright. The Court still maintains its administrative jurisdiction over the respondent and should therefore have the final determination of her administrative liability.

Considering, however, that the CSC had already conducted both fact-finding and formal investigations, we find no reason why the Court should replicate what the CSC had done more ably.[17]

In support of its conclusion, the OCA cited *Ampong v. Civil Service Commission, CSC-Regional Office No. 11*[18] among others. Said the OCA:

The standard procedure is for the CSC to bring its complaint against a judicial employee before the Supreme Court through the OCA as shown in several cases. The Court, however, has made exceptions in certain cases. In the very recent case of Ampong, the Court, although it declared that it had administrative jurisdiction over the petitioner, nevertheless upheld the ruling of the CSC based on the principle of estoppel. In the said case, petitioner Ampong, a court interpreter at the time the CSC instituted administrative proceedings against her, questioned the jurisdiction of the CSC after it found her guilty of dishonesty in surreptitiously taking the CSC-supervised Professional Board Examination for Teachers (PBET) in 1991 in place of another person and dismissed her from the service. The Court denied the petition on the ground that the previous actions of petitioner estopped her from attacking the jurisdiction of the CSC which had accorded her due process.[19] (Citations omitted.)

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[17] *Id.* at 66-67.

[18] G.R. No. 167916, August 26, 2008, 563 SCRA 293.

[19] *Rollo*, p. 66.

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The OCA then proceeded to discuss the merits of Ramoneda-Pita's contention. It noted Ramoneda-Pita's claim that her physical appearance changed over the intervening years since she took the Civil Service Sub-Professional Examinations. She also posed the possibility that the picture quality had deteriorated over time. In addition, she also claims that the examiner must have interchanged her picture with someone else as he was the one who pasted the pictures to the seat plan.

However, the OCA seriously doubted the validity of Ramoneda-Pita's claim saying:

> We do not think that a mere three-year gap would bring about drastic changes in a person's appearance. Besides, the respondent failed to substantiate her claims. She could have easily submitted additional evidence, such as pictures to show the gradual change in her appearance through the three-year period.[20]

On the confusion with respect to the pictures, the OCA said that it was not "likely due to the strict procedure followed during civil service examinations x x x."[21] Moreover, the OCA stated:

> The presentation of various explanations and conjectures show the inconsistent stands taken by the respondent. She insists that the picture in the seat plan was her and that her physical appearance has changed over the years, yet in the same breath argues that the examiner must have interchanged her picture with the pictures of other examinees.
>
> The same inconsistency is manifest in all her records. Upon the Court's resolution of her petition for review on *certiorari*, the respondent states in her letter dated January 14, 2005 addressed to President Arroyo that she fought hard to prove her innocence but had accepted her fate and **mistake, with the solemn commitment that she would never commit the same or similar mistake for the rest of her life.** x x x.
>
> x x x x x x x x x
>
> The respondent has a string of dishonest acts which started when she had somebody impersonate her in taking the Civil Service

[20] *Id.* at 69.

[21] *Id.*

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Subprofessional examination. Upon the discovery of her deception, she embarked on a series of prevarications to cover it up, the most notable of which is the Personal Data Sheet dated April 5, 2000 she submitted to the Court as one of the supporting documents for her appointment to the judiciary. In the Personal Data Sheet, item no. 25 asks "Do you have any pending administrative case?" while item no. 27 queries "Have you ever been convicted of any administrative offense?" The respondent answered "no" to both questions. It must be remembered that at the time she filled out the Personal Data Sheet, she already had a pending administrative case, the CSC having already filed its formal charge on September 7, 1998. Her fraudulent answers had been instrumental in the unquestioned approval of her appointment because had she answered truthfully the Court would have been alerted to her pending administrative case with the CSC and would have surely withheld, if not denied, her appointment.

Taking judicial notice of the fact-finding and formal investigations conducted by the CSC relative to the impersonation case of the respondent and given the observations on her subsequent actuations which were predisposed to deceive, we find that the respondent, is indeed, guilty of dishonesty and falsification of document.[22]

The OCA thus recommended:

In view of the foregoing, we respectfully submit for the consideration of the Honorable Court the recommendation that respondent Merle Ramoneda-Pita, Clerk III, Municipal Trial Court in Cities, Danao City, be found **GUILTY** of Dishonesty and Falsification of Official Document and be **DISMISSED** from the service with forfeiture of all her retirement benefits, except the value of her accrued leaves, if any, and with prejudice to re-employment in the government or any of its subdivisions, instrumentalities or agencies including government-owned or controlled corporations.[23]

We note and adopt the recommendation of the OCA.

As a preliminary matter, we address the matter of propriety of the proceedings against Ramoneda-Pita in the CSC.

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[22] *Id.* at 70-71.

[23] *Id.* at 72.

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We have always maintained that it is only the Supreme Court that can oversee the judges' and court personnel's administrative compliance with all laws, rules and regulations. No other branch of government may intrude into this power, without running afoul of the doctrine of separation of powers.[24] However, as aptly pointed out by the OCA, Ramoneda-Pita was afforded the full protection of the law, that is, afforded due process. She was able to file several affidavits and pleadings before the CSC with counsel. It may also be noted that the case had been elevated to the Court of Appeals and this Court, where the Resolution of the CSC was upheld in both instances.

The OCA's reliance in *Ampong v. Civil Service Commission* is well taken. As we have stated in *Civil Service Commission v. Andal:*[25]

> In *Ampong*, petitioner in that case admitted her guilt. She voluntarily went to the CSC regional office, admitted to the charges leveled against her and waived her right to the assistance of counsel. She was given ample opportunity to present her side and adduce evidence in her defense before the CSC. She filed her answer to the charges against her and even moved for a reconsideration of the adverse ruling of the CSC. **In short, Ampong did not question the authority of the CSC and, in fact, actively participated in the proceedings before it.**
>
> In the present case, while respondent may have filed his Answer to the formal charge of dishonesty after having been directed to do so, he denied having taken the civil service examination and did not even appear at the formal investigation conducted by the CSC-NCR. He appealed to the CSC after the adverse decision of the CSC-NCR was rendered but raised the issue of lack of jurisdiction over his person. He argued that as an employee in the Judiciary, "the jurisdiction to hear disciplinary action against him vests with the Sandiganbayan or the Supreme Court." It cannot therefore be said that he was estopped from assailing the jurisdiction of the CSC.
>
> This notwithstanding, **we reiterate that we will not and cannot tolerate dishonesty for the judiciary expects the highest standard**

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[24] *Civil Service Commission v. Andal*, G.R. No. 185749, December 16, 2009, 608 SCRA 370, 377.

[25] *Id.* at 378.

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of integrity from all its employees. The conduct and behavior of everyone connected with an office charged with the dispensation of justice is circumscribed with a heavy burden or responsibility. The Court will not hesitate to rid its ranks of undesirables. (Citations omitted; emphases ours.)

In any event, the OCA had asked Ramoneda-Pita to comment on the matter. She was therefore given due notice and fair hearing. It is noteworthy that she only rehashed the arguments that she raised before the CSC proceedings.

We now proceed to the substantive aspect of the case.

This Court has defined dishonesty in *Civil Service Commission v. Perocho, Jr.*[26] as:

[I]ntentionally making a false statement in any material fact, or practicing or attempting to practice any deception or fraud in securing his examination, registration, appointment or promotion. Thus, dishonesty, like bad faith, is not simply bad judgment or negligence. Dishonesty is a question of intention. In ascertaining the intention of a person accused of dishonesty, consideration must be taken not only of the facts and circumstances which gave rise to the act committed by the respondent, but also of his state of mind at the time the offense was committed, the time he might have had at his disposal for the purpose of meditating on the consequences of his act, and the degree of reasoning he could have had at that moment. (Citations omitted.)

We have previously dealt with cases with a marked resemblance to the present case.

In *Civil Service Commission v. Sta. Ana*,[27] we found sufficient basis to dismiss a court stenographer for misrepresenting herself to have passed the Career Service Professional Examination Computer Assisted Test (CAT) when she had somebody else take the exam for her. The CSC undertook to compare the respondent's PDS with the CAT application and the Picture

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[26] A.M. No. P-05-1985, July 26, 2007, 528 SCRA 171, 179.

[27] 450 Phil. 59 (2003).

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Seat Plan of the examinations and found them to be different.

In *Civil Service Commission v. Dasco*,[28] we found Ms. Caridad S. Dasco guilty of dishonesty and consequently dismissed her from the service for having someone else take the requisite Civil Service Examinations in her stead. It was found that her picture in the CSC's PSP had a marked difference from her PDS.

In *Office of the Court Administrator v. Bermejo*,[29] we dismissed Ms. Lourdes Bermejo for having another person impersonate her at the Civil Service Examinations.

A careful review of the documents submitted before the CSC and a perusal of its investigation reports in the present case, convince us that Ramoneda-Pita was not the one who took the Civil Service Sub-Professional Examinations conducted on July 26, 1987. Specimen signatures in the various PDS she had submitted over the years to the Court do not resemble the signature which appeared in the seat plan of the CSC. Moreover, no substantive evidence was presented by Ramoneda-Pita to bolster her defense that she was not able to develop a settled signature. Nor did she substantiate her claim that the difference between the pictures in the PSP and the PDS is due to the aging process.

This Court cannot stress enough that its employees should hold the highest standard of integrity for they are a reflection of this esteemed institution which they serve. It certainly cannot countenance any form of dishonesty perpetrated by its employees. As we have stated in the Code of Conduct for Court Personnel:[30]

> WHEREAS, **court personnel, from the lowliest employee** to the clerk of court or any position lower than that of a judge or justice, **are involved in the dispensation of justice**, and parties seeking redress from the courts for grievances look upon court personnel as part of the Judiciary.

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[28] A.M. No. P-07-2335, September 22, 2008, 566 SCRA 114.

[29] A.M. No. P-05-2004, March 14, 2008, 548 SCRA 219.

[30] A.M. No. 03-06-13-SC, June 1, 2004.

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WHEREAS, in performing their duties and responsibilities, **court personnel serve as sentinels of justice and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it**. (Emphases supplied.)

In this case, Ramoneda-Pita's length of service in the judiciary is inconsequential. The CSC's discovery of the perfidy in her acquisition of her civil service eligibility and her insistence in stating that she is civil service eligible in her PDS when she had been already found guilty of an administrative charge even after the finality of the CSC Resolution and even after her seeking clemency tell this Court that Ramoneda-Pita has not and does not live up to the high standards demanded of a court employee. As the Court has previously stated it will not hesitate to rid the ranks of undesirables.[31]

WHEREFORE, Merle C. Ramoneda-Pita is hereby found **GUILTY** of dishonesty. She is **DISMISSED** from the service with forfeiture of all her retirement benefits, except the value of her accrued leave credits, if any, and with prejudice to re-employment in the government or any of its subdivisions, instrumentalities or agencies including government-owned and controlled corporations. Let a copy of this Decision be attached to her records with this Court.

SO ORDERED.

Sereno, C.J., Carpio, Leonardo-de Castro, Brion, Peralta, Bersamin, del Castillo, Abad, Villarama, Jr., Mendoza, Reyes, Perlas-Bernabe, and *Leonen, JJ.,* concur.

Velasco, Jr., J., no part due to relation to party.

Perez, J., no part. Acted on matter as Court Administrator.

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[31] *Civil Service Commission v. Andal, supra* note 24.