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10.01 of the Code of Professional Responsibility as well as her oath as notary public. Hence, she is **SUSPENDED** from the practice of law for **ONE YEAR** effective immediately. Her notarial commission, if still existing, is **IMMEDIATELY REVOKED** and she is hereby **PERPETUALLY DISQUALIFIED** from being commissioned as a notary public.

Let copies of this Resolution be entered into the personal records of respondent as a member of the bar and furnished to the Bar Confidant, the Integrated Bar of the Philippines, and the Court Administrator for circulation to all courts of the country for their information and guidance.

No costs.

SO ORDERED.

Carpio, Velasco, Jr., Leonardo-de Castro, Brion, Peralta, Bersamin, del Castillo, Villarama, Jr., Perez, Mendoza, Reyes, Perlas-Bernabe, and *Leonen, JJ.,* concur.

EN BANC

[A.M. No. P-14-3218. July 8, 2014]
(Formerly: OCA IPI No. 13-4037-P)

SELECTION AND PROMOTION BOARD, OFFICE OF THE COURT ADMINISTRATOR, *complainant, vs.* **RONALDO D. TACA, CASHIER I, METROPOLITAN TRIAL COURT, OFFICE OF THE CLERK OF COURT, MANILA,** *respondent.*

SYLLABUS

1. POLITICAL LAW; ADMINISTRATIVE LAW; COURT PERSONNEL; AN EMPLOYEE WHO MADE FALSE

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STATEMENTS IN HIS PERSONAL DATA SHEET (PDS) WHICH PREJUDICED OTHER MORE QUALIFIED APPLICANTS, WHO WOULD HAVE BEEN HIRED FOR THAT POSITION HAD IT NOT BEEN FOR HIS MISREPRESENTATIONS, IS LIABLE NOT ONLY FOR DISHONESTY BUT ALSO FOR FALSIFICATION OF PUBLIC DOCUMENTS; AN EMPLOYEE WHO FALSIFIES AN OFFICIAL DOCUMENT TO GAIN UNWARRANTED ADVANTAGE OVER OTHER MORE QUALIFIED APPLICANTS TO THE SAME POSITION AND SECURE THE SOUGHT-AFTER PROMOTION CANNOT BE SAID TO HAVE MEASURED UP TO THE STANDARDS REQUIRED OF A PUBLIC SERVANT.— Dishonesty is defined as "a disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of integrity, lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray." Respondent is charged with falsifying certain entries in his PDS. x x x. Respondent's intent to deceive is clear from the information he falsified. Civil Service Resolution No. 97-0404 dated January 24, 1997 required a bachelor's degree and Career Service (Professional) Second Level Eligibility for the position of Cashier I. At the time he was appointed Cashier I on April 8, 1997, he only possessed the required civil service eligibility, as shown by his civil service certificate dated May 13, 1988. He did not have a bachelor's degree, since he had only completed 101 units in Far Eastern University. Without this bachelor's degree, he would not be qualified for the position he was appointed to. Despite this, respondent made it appear on his PDS dated May 6, 1991 and January 6, 1997 that he had a bachelor's degree in psychology from Far Eastern University. x x x. The false statements in his PDS prejudiced other more qualified applicants, who would have been hired for that position had it not been for his misrepresentations. He is, therefore, liable not only for dishonesty but also for falsification of public documents. In *Re: Administrative Case for Dishonesty and Falsification of Official Document: Benjamin R. Katly*: We have repeatedly said that persons involved in the dispensation of justice, from the highest official to the lowest clerk, must live up to the strictest standards of integrity, probity, uprightness, honesty and diligence in the public service. This Court will not tolerate dishonesty for the Judiciary expects the best from

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all its employees. An employee, such as respondent, who falsifies an official document to gain unwarranted advantage over other more qualified applicants to the same position and secure the sought-after promotion cannot be said to have measured up to the standards required of a public servant.

2. ID.; ID.; ID.; ID.; DISHONESTY AND FALSIFICATION ARE MALEVOLENT ACTS THAT HAVE NO PLACE IN THE JUDICIARY; PROPER PENALTY.— "Dishonesty and falsification are malevolent acts that have no place in the judiciary." Under Rule 10, Section 46 (A) (1) (6) of the Revised Rules on Administrative Cases in the Civil Service, these offenses are punishable by dismissal. The penalty of dismissal from service includes cancellation of eligibility, forfeiture of leave credits, and retirement benefits, and disqualification from re-employment in the government service. As correctly pointed out by the OCA, a distinction must be made with respect to his credits accrued before April 8, 1997 and his leave credits accrued after April 8, 1997. Before he was appointed Cashier I on April 8, 1997, he had been previously working as a Cash Clerk II, a position which only required Civil Service (Subprofessional) First Level Eligibility and completion of two years' studies in college. Since he was qualified for the position of Cash Clerk II, he should be allowed to keep the leave credits accrued before his appointment to Casher I. However, in accordance with this court's ruling in *Re: Administrative Case for Dishonesty and Falsification of Official Document: Benjamin R. Katly*, all of respondent's leave credits accrued after his appointment on April 8, 1997 are forfeited, as his ineligibility retroacts to the date of his appointment.

APPEARANCES OF COUNSEL

Carlos M. Carlos for respondent.

R E S O L U T I O N

PER CURIAM:

Personal data sheets should be accomplished with candor and truthfulness as the information these sheets contain will be the basis of any appointment to government service. Any false

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entry in these documents will be considered dishonesty and shall be punishable by dismissal from service.

This is an administrative complaint for dishonesty and falsification of public documents against Ronaldo D. Taca.

Respondent Ronaldo D. Taca is a Cashier I at the Office of the Clerk of Court of the Metropolitan Trial Court of Manila. He has been employed there since April 8, 1997.[1] Sometime in 2012, he applied for the position of Cashier II and III.[2]

On September 10, 2012, the Selection and Promotion Board for the Lower Courts of the Office of the Court Administrator (OCA-SPB) wrote to him, asking him to explain the discrepancies found on his Personal Data Sheet (PDS) on file. The discrepancies were found in the portion on his college educational attainment and the date of his civil service examination.[3]

Respondent sent a letter-reply dated October 1, 2012, alleging that the handwritten copy of his PDS was not the same as the Office of Administrative Services' typewritten copy of his PDS on file.[4]

In an endorsement dated October 15, 2012, the OCA-SBP referred the letter-reply to the legal office for appropriate action.[5]

On January 3, 2013, Wilhelmina D. Geronga, Chief of the OCA Legal Office, submitted a memorandum to Court Administrator Jose Midas P. Marquez after finding that there was a *prima facie* case against respondent for dishonesty. They alleged that there were several discrepancies found in the PDS submitted by the respondent from 1991 to 2010:[6]

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[1] *Rollo*, p. 23.

[2] *Id*. at 1.

[3] *Id*. at 6.

[4] *Id*. at 5.

[5] *Id*. at 4.

[6] *Id*. at 1-3.

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Date Accomplished	Entry No. 17 (Educational Attainment)	Degree/Units Earned	Inclusive Date of Attendance
May 6, 1991 handwritten – 201 file copy	College – Far Eastern University	B.S. Psychology	1974-1984
January 6, 1997 handwritten – attached to the letter of Mr. Taca	Vocational		1977-1978
	College – Far Eastern University	B.S. Psychology	1974-1984
January 6, 1997 typewritten – 201 file copy	Vocational		1979
	College – Far Eastern University	Grad./B.S. Psychology	1974-1984
December 29, 2010 handwritten – submitted to the SPB 201 PDS	College Far Eastern University	101 units	1974 - ?
	New Era University	BSBA Banking & Finance/ Graduate	2010

Date Accomplished	Entry No. 18 Civil Service	Date of Examination	Rating
May 6, 1991 handwritten – 201 file copy	Professional		76.3
January 6, 1997 handwritten – attached to the letter of Mr. Taca	Professional	July 28, 1985	73.03
January 6, 1997 typewritten – 201 file copy	Professional	1982	73.00
October 15, 2001 typewritten – 201 file copy	Professional	July 28, 1985	73.03

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December 29, 2010 handwritten – submitted to the SPB	Professional	July 28, 1985	73.03
January 24, 2012 handwritten – submitted to the SPB	Professional	January 28, 1985	73.03

Upon the legal office's recommendation, the memorandum was docketed as an administrative complaint and respondent was required to comment on the charges against him.[7]

In his comment dated April 3, 2013, respondent denied all the allegations, claiming that the discrepancies in his PDS were "the result of hastiness and negligence."[8] He claimed that he understood degrees and units in "Degrees/Units Earned" to mean the same thing. He also reiterated that the data he provided was the truth since he graduated from college and he passed the civil service examinations.[9]

On January 6, 2014, the OCA submitted its report recommending the dismissal of the respondent.[10]

The OCA "was willing to turn a blind eye"[11] to the discrepancies in respondent's civil service examination dates and scores since "[t]he actual examination took only one day in the life of respondent and the score he attained was not that remarkable."[12] The OCA concluded that these circumstances "would not have created an indelible impression in respondent's mind."[13]

The OCA, however, took exception to the entries made by the respondent with regard to his educational attainment and

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[7] *Id*. at 18.

[8] *Id*. at 19.

[9] *Id*. at 19-21.

[10] *Id*. at 30-35.

[11] *Id*. at 32.

[12] *Id*.

[13] *Id*.

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gave scant consideration to respondent's claim that he misunderstood the meaning of "Degree/Units Earned." It found that despite respondent's claim, he wrote "Grad./B.S. Psy." as his degree earned on his PDS dated January 16, 1997. They also noted that respondent still wrote down "B.S. Psychology" in his PDS dated October 15, 2001 even if the PDS specified that the applicant "write NONE if not graduated."[14]

The OCA also found that even without these discrepancies in his PDS, respondent still deserved to be dismissed from service since the position of Cashier I required a Bachelor's Degree. When respondent was hired as Cashier I on April 8, 1997, he was not qualified since he only earned his bachelor's degree in 2010.[15]

Citing *Office of the Court Administrator v. Bermejo*,[16] *Re: Administrative Case for Dishonesty and Falsification of Official Document: Benjamin R. Katly, Information Technology Officer I, Systems Development for Judicial Application Division, MISO*[17] and *Retired Employee v. Merlyn G. Manubag*,[18] the OCA found respondent guilty of dishonesty and falsification of official documents. They recommended that the administrative complaint be docketed as a regular administrative matter. They also recommended the dismissal of respondent from service with forfeiture of all retirement benefits, and disqualification from employment in any government office including government-owned and controlled corporations.[19]

The only issue this court is confronted with is whether the respondent committed dishonesty when he falsified the entries in his PDS.

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[14] *Id*. at 33.

[15] *Id*.

[16] A.M. No. P-05-2004, (Formerly OCA I.P.I. No. 05-2086-P). 572 Phil. 6 (2008) [*Per Curiam, En Banc*].

[17] A.M. No. 2003-9-SC, March 25, 2004, 426 SCRA 236 [*Per Curiam, En Banc*].

[18] A. M. No. P-10-2833, December 14, 2010, 638 SCRA 86 [*Per Curiam, En Banc*].

[19] *Rollo,* pp. 34-35.

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We adopt the findings of the OCA and agree with its recommendations.

Dishonesty is defined as "a disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of integrity, lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray."[20]

Respondent is charged with falsifying certain entries in his PDS.

Civil Service Form No. 212, otherwise known as the PDS, is "the official information sheet for all government personnel and [is] the main supporting document for appointment in government."[21] It has undergone several revisions "to conform with the requirements for appointment."[22]

Forms revised in 1982 and 1993 specify the "Degrees/Units Earned" while forms revised in 1998 specify "Degree Earned" and "Number of Units Completed/Course Title." The current PDS, revised in 2005, is more specific, and asks for the "Degree Course," "Year Graduated (if graduated)," and "Highest Grade/ Level/Units Earned (if not graduated)."

On respondent's handwritten PDS dated May 6, 1991[23] and January 6, 1997,[24] he listed "B.S. Psychology" as "Degrees/ Units Earned." The typewritten PDS dated January 6, 1997 on file with OAS had listed "Grad./B.S. Psy." under "Degrees/ Units Earned."[25]

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[20] *Retired Employee v. Merlyn Manubag*, A. M. No. P-10-2833, December 14, 2010, 638 SCRA 86, 91 [*Per Curiam, En Banc*] citing *Bulalat v. Adil*, A.M. No. SCC-05-10-P, 562 Phil. 639, 643 (2007) [*Per Curiam, En Banc*].

[21] First Whereas Clause, CSC MEMORANDUM CIRCULAR NO. 6, January 28, 1997.

[22] Second Whereas Clause, CSC MEMORANDUM CIRCULAR NO. 6, January 28, 1997.

[23] *Rollo*, p. 10.

[24] *Id*. at 7.

[25] *Id*. at 8.

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Respondent claimed that the PDS copy on file with OAS was not his, which accounted for the discrepancies. An examination, however, of both the handwritten and typewritten PDS dated January 6, 1997 shows that most of the details listed were the same. The signatures on both copies were also similar. Even if we were to disregard the typewritten PDS dated January 6, 1997, his other PDS dated May 6, 1991, January 6, 1997, and October 15, 2001 show that he listed "B.S. Psychology" as his college degree.

His argument that he interpreted degrees earned and units earned to mean the same has no merit. It only takes a simple comprehension of the English language to understand that "*degree earned*" means the degree which the applicant graduated with. *"Units earned"* would mean the number of units finished in a specific degree course if the applicant has not yet earned the degree.

Respondent has shown that he understood exactly what the two terms meant. On his PDS dated October 15, 2001, he wrote "B.S. Psychology" under "Degree Earned," even if the form specified that the applicant "write NONE if not graduated."[26] In the personal data sheets he submitted to the OCA-SPB, he specified "B.S. Psychology" under "Degree Course" and "101 Units" under "Highest Grade/Level/Units Earned," while keeping the "Year Graduated" blank. He made another entry for New Era University where he wrote down "BSBA Banking & Finance" for "Degree Course," "Graduate" for "Highest Grade/Level/ Units Earned," and "2010" for "Year Graduated."[27]

Respondent's intent to deceive is clear from the information he falsified. Civil Service Resolution No. 97-0404 dated January 24, 1997 required a bachelor's degree and Career Service (Professional) Second Level Eligibility for the position of Cashier I.

At the time he was appointed Cashier I on April 8, 1997, he only possessed the required civil service eligibility, as shown by his civil service certificate[28] dated May 13, 1988. He did

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[26] *Id.* at 9.

[27] *Id.* at 11 and 13.

[28] *Id.* at 17.

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not have a bachelor's degree, since he had only completed 101 units in Far Eastern University. Without this bachelor's degree, he would not be qualified for the position he was appointed to. Despite this, respondent made it appear on his PDS dated May 6, 1991[29] and January 6, 1997[30] that he had a bachelor's degree in psychology from Far Eastern University.

His deception would have gone unnoticed had he not attempted to apply for a promotion. It was as if he knew that once he attained his bachelor's degree in 2010, he was qualified not only for the positions he was applying for but also the position he was occupying. His subsequent attainment of a college degree, however, does not mitigate his liability. It does not remedy the fact that he knowingly falsified pertinent information in his PDS so he can be appointed to a position he was not qualified for.

In *Villordon v. Avila*,[31] this court stated that:

> Civil service rules mandate the accomplishment of the PDS as a requirement for employment in the government. Hence, making false statements in one's PDS is ultimately connected with one's employment in the government. The employee making false statements in his or her PDS becomes liable for falsification.
>
> . . . . . .
>
> The declarations that every government personnel makes in accomplishing and signing the PDS are not empty statements. Duly accomplished forms of the Civil Service Commission are considered official documents, which, by their very nature are in the same category as public documents, and become admissible in evidence without need of further proof. As an official document made in the course of official duty, its contents are *prima facie* evidence of the facts stated therein.[32]

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[29] *Id*. at 10.

[30] *Id.* at 7.

[31] A.M. No. P-10-2809, August 10, 2012, 678 SCRA 247 [*Per Curiam, En Banc*].

[32] *Id*. at 255-256, citing *Retired Employee, MTC, Sibonga, Cebu v. Manubag,* A.M. No. P-10-2833, 14 December 2010, 638 SCRA 86, 91;

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The false statements in his PDS prejudiced other more qualified applicants, who would have been hired for that position had it not been for his misrepresentations.[33] He is, therefore, liable not only for dishonesty but also for falsification of public documents.

In *Re: Administrative Case for Dishonesty and Falsification of Official Document: Benjamin R. Katly*:[34]

> We have repeatedly said that persons involved in the dispensation of justice, from the highest official to the lowest clerk, must live up to the strictest standards of integrity, probity, uprightness, honesty and diligence in the public service. This Court will not tolerate dishonesty for the Judiciary expects the best from all its employees. An employee, such as respondent, who falsifies an official document to gain unwarranted advantage over other more qualified applicants to the same position and secure the sought-after promotion cannot be said to have measured up to the standards required of a public servant.[35]

"Dishonesty and falsification are malevolent acts that have no place in the judiciary."[36] Under Rule 10, Section 46 (A) (1) (6) of the Revised Rules on Administrative Cases in the Civil Service, these offenses are punishable by dismissal. The penalty of dismissal from service includes cancellation of eligibility,

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Re: Spurious Certificate of Eligibility of Tessie G. Quires, 523 Phil. 21, 29 (2006); *Re: Complaint of the Civil Service Commission, Cordillera Administrative Region, Baguio City against Rita S. Chulyao, Clerk of Court, MCTC-Barlig, Mountain Province,* A.M. No. P-07-2292, 28 September 2010, 631 SCRA 413, 423; *Donato, Jr. v. Civil Service Commission Regional Office 1*, 543 Phil. 731, 744 (2007).

[33] See *Retired Employee, MTC, Sibonga, Cebu v. Manubag*, A.M. No. P-10-2833, 14 December 2010, 638 SCRA 86, 91.

[34] A.M. No. 2003-9-SC, March 25, 2004, 426 SCRA 236 [*Per Curiam, En Banc*].

[35] *Id.* at 242, citing *Ibay v. Lim*, 394 Phil. 415, 420-421 (2000); *Musni v. Morales*, 373 Phil. 703, 710 (1999)*; De Guzman v. Delos Santos*, 442 Phil. 428 (2002).

[36] *Civil Service Commission v. Perocho, Jr.*, 555 Phil. 156, 168 (2007) [*Per Curiam, En Banc*], citing *Pizarro v. Villegas*, 398 Phil. 837, 843 (2000).

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forfeiture of leave credits, and retirement benefits, and disqualification from re-employment in the government service.[37]

As correctly pointed out by the OCA, a distinction must be made with respect to his credits accrued before April 8, 1997 and his leave credits accrued after April 8, 1997.

Before he was appointed Cashier I on April 8, 1997, he had been previously working as a Cash Clerk II, a position which only required Civil Service (Subprofessional) First Level Eligibility and completion of two years' studies in college.[38] Since he was qualified for the position of Cash Clerk II, he should be allowed to keep the leave credits accrued before his appointment to Casher I.

However, in accordance with this court's ruling in *Re: Administrative Case for Dishonesty and Falsification of Official Document: Benjamin R. Katly*,[39] all of respondent's leave credits accrued after his appointment on April 8, 1997 are forfeited, as his ineligibility retroacts to the date of his appointment.

WHEREFORE, respondent RONALDO D. TACA, Cashier I, Office of the Clerk of Court, Metropolitan Trial Court, Manila, is found **GUILTY** of dishonesty and falsification of official document thereby warranting his **DISMISSAL** from the service effective immediately, with forfeiture of all retirement benefits, including all accrued leave credits earned from April 8, 1997 to the present, and disqualification from re-employment in any government office including government-owned and -controlled corporations.

SO ORDERED.

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

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[37] See *Calabines v. Gnilo*, 563 Phil. 307 (2007) [*Per Curiam, En Banc*].

[38] See Civil Service Resolution No. 97-0404 dated January 24, 1997.

[39] A.M. No. 2003-9-SC, March 25, 2004, 426 SCRA 236 [*Per Curiam, En Banc*].