



Republic of the Philippines  
**Supreme Court**  
 Manila

**FIRST DIVISION**

**CIVIL SERVICE COMMISSION,**  
 Petitioner,

**G.R. No. 238774**

Present:

-versus-

PERALTA, *CJ.*, Chairperson,  
 CAGUIOA,  
 REYES, J., JR.,  
 LAZARO-JAVIER, and  
 LOPEZ, *JJ.*

Promulgated:

**HILARIO J. DAMPILAG,**  
 Respondent.

**JUN 10 2020**

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**D E C I S I O N**

***LOPEZ, J.:***

This Petition for Review on *Certiorari*<sup>1</sup> filed under Rule 45 of the Rules of Court seeks to set aside the Decision dated March 20, 2018<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 147131. The CA reversed the Decision No. 160324<sup>3</sup> dated February 29, 2016 and Resolution No. 1600574<sup>4</sup> dated June 6, 2016 of the Civil Service Commission (CSC), and exonerated Hilario J. Dampilag of two counts of serious dishonesty.

**Facts**

On November 27, 2014, an anonymous complaint<sup>5</sup> was filed before

<sup>1</sup> *Rollo*, pp. 3-17.

<sup>2</sup> *Id.* at 20-28; penned by Associate Justice Zenaida T. Galapate-Laguilles with Associate Justices Remedios A. Salazar-Fernando and Jane Aurora C. Lantion concurring.

<sup>3</sup> *Id.* at 29-36; penned by Commissioner Nieves L. Osorio with Commissioners Alicia dela Rosa-Bala and Robert S. Martinez concurring, and attested by Director Dolores B. Bonifacio of the Commission Secretariat and Liaison Office.

<sup>4</sup> *Id.* at 37-41.

<sup>5</sup> See *id.* at 42-43.

the Examination Services Division of the CSC-Cordillera Administrative Region (CSC-CAR) alleging that Dampilag committed an examination irregularity.<sup>6</sup>

Acting on the complaint, the CSC-CAR requested from the CSC Field Office-Baguio City a copy of Dampilag's Personal Data Sheet (PDS).<sup>7</sup> The PDS<sup>8</sup> accomplished on March 3, 1999 showed that Dampilag passed the Career Service Professional Examination (CSPE) held in Baguio City on December 1, 1996 with a rating of 81.89.<sup>9</sup> However, the CSC-CAR noted glaring disparities as to Dampilag's facial features and signatures in the Picture Seat Plan<sup>10</sup> (PSP) for the December 1, 1996 CSPE with those of Dampilag's PDS. Thus, in an Order dated December 2, 2014, the CSC-CAR directed Dampilag to comment to its findings.<sup>11</sup> Dampilag submitted his Affidavit of Explanation on February 5, 2015.<sup>12</sup>

After preliminary investigation, the CSC-CAR issued Resolution No. 15-00007 charging Dampilag with Serious Dishonesty, Falsification of Official Documents, and Grave Misconduct.<sup>13</sup> In the resolution, Dampilag was accused of allowing somebody to apply and take in his behalf the CSPE held on December 1, 1996 in Baguio City and reflected the result in his PDS, thereby misleading the appointing authority to appoint him as Special Investigator I of the Department of Environment and Natural Resources-CAR (DENR-CAR), and the CSC to approve his appointment.<sup>14</sup>

In his Answer, Dampilag admitted that he was not the person in the picture pasted in the PSP but his former board mate, a certain Bong Martin.<sup>15</sup> He explained that on the day of the examination, he had in his possession an improvised envelope containing his and Bong's photos.<sup>16</sup> Pressed for time, he indiscriminately brought out the photographs, affixed his signature at the back of one of the photos, and submitted it to the exam proctor without verifying the actual photograph submitted.<sup>17</sup> As to the alleged variation in the signatures in the PDS and PSP, Dampilag claimed that the two signatures have notable similarities, and that any perceived disparities were accepted norm because of the considerable lapse of time from the date of examination to the accomplishment of the PDS.<sup>18</sup> In all, Dampilag argued lack of evidence of bad faith and lack of intent to mislead the appointing authority.<sup>19</sup>

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<sup>6</sup> *Id.* at 32.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 46.

<sup>9</sup> *Id.* at 32.

<sup>10</sup> *Id.* at 44-45.

<sup>11</sup> *Id.* at 32.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 22.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

In lieu of the scheduled pre-hearing conference and formal hearing, the CSC-CAR allowed Dampilag to submit his position paper.<sup>20</sup> In his position paper, Dampilag insisted that the handwriting and signature style appearing in the PDS and PSP were his own.<sup>21</sup> He submitted additional documents bearing his signature and executed on different dates to prove his varying signatures and handwriting over the years.<sup>22</sup>

On September 11, 2015, the CSC-CAR issued Decision No. 15-0058 finding Dampilag guilty of the offenses charged and imposed upon him the penalty of dismissal from the service.<sup>23</sup>

The CSC-CAR noted that the features of the person in the photograph pasted over the name Hilario J. Dampilag in the PSP were not similar with the features of Dampilag in the photograph pasted in his PDS accomplished on March 3, 1999. The CSC-CAR did not consider Dampilag's defense that it was pure inadvertence when he gave the picture of his former board mate instead of his own during the examination. The CSC-CAR was convinced that room examiners will not let any person take the examination if he did not look like the person in the picture submitted. Further, a comparison of the signature of Dampilag in the PDS against the signature of the purported examinee Hilario J. Dampilag in the PSP revealed immense disparities. The CSC-CAR concluded that another person took the CSPE for and in behalf of Dampilag. Since the prescribed forms for government examinations, such as the PSP and the PDS, once duly accomplished are considered official documents, by intentionally making false narration of material facts in these documents, Dampilag committed Serious Dishonesty, Falsification of Official Document, and Grave Misconduct.

Dampilag's motion for reconsideration was denied by the CSC-CAR in its Resolution No. 15-00023 dated October 28, 2015.<sup>24</sup>

Aggrieved, Dampilag filed his appeal memorandum to the CSC, reiterating that his submission of a different photograph was due to pure inadvertence and may be considered as excusable negligence.<sup>25</sup> He insisted that the alleged discrepancies between the signatures in the PSP and the PDS

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<sup>20</sup> *Id.* at 23.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* The documents submitted are the following:

1. Affidavit of Mandy Doney, executed on January 9, 2002;
2. Dampilag's Personal Data Sheet, executed on May 7, 2007;
3. Certification issued by the DENR-CAR, Land Management Services, executed on November 29, 2008;
4. Certification of Land Investigation issued by the DENR-CAR, Land Management Services, executed on February 11, 2009;
5. Certification pertaining to a free patent application, executed on October 8, 2013; and
6. Joint Affidavit in support of free patent application, executed on August 11, 1999.

<sup>23</sup> *Id.* at 29-30, 33.

<sup>24</sup> *Id.* at 30, 33.

<sup>25</sup> *Id.* at 31.





were not substantial and any slight variation was an accepted norm because handwriting and signatures of a person vary over time.<sup>26</sup>

On February 29, 2016, the CSC affirmed the findings of the CSC-CAR but found Dampilag guilty instead of two counts of serious dishonesty.<sup>27</sup>

The CSC found the dissimilarities and disparities in the photographs and signatures in the PSP and the PDS sufficient to conclude that another person took the examination for and in behalf of Dampilag. Further, Dampilag committed falsification of official document when he intentionally and consciously misrepresented in his PDS that he was a CSPE passer, and allowed another person to take the examination and sign in the PSP as him.

However, the CSC modified the decision of the CSC-CAR and found Dampilag liable instead for two counts of Serious Dishonesty pursuant to Section 3<sup>28</sup> of CSC Resolution No. 06-0538<sup>29</sup> dated April 4, 2006. The CSC ruled that Dampilag: (1) committed examination irregularity of impersonation by conniving and colluding with somebody to take the December 1, 1996 CSPE, and (2) employed fraud and falsification of official document by stating in his PDS dated March 3, 1999 that he passed the December 1, 1996 CSPE when he did not.

The dispositive portion of the February 29, 2016 decision reads:<sup>30</sup>

**WHEREFORE**, the petition for review of Hilario J. Dampilag Special Investigator I, City Environment and Natural Resources Office (CENRO), [DENR-CAR], Baguio City, is hereby **DISMISSED**. Accordingly, the Decision No. 15-0058 dated September 11, 2015 and Resolution No. 15-00023 dated October 28, 2015 of the [CSC-CAR], Baguio City, finding him guilty of Serious Dishonesty, Falsification of Official Documents, and Grave Misconduct and imposing upon him the penalty of dismissal from the service with all the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, except terminal/accrued leave benefits and personal contributions to the GSIS if any, perpetual disqualification from holding public office and bar from taking civil service examinations; and denying his Motion for Reconsideration, respectively, are hereby **MODIFIED** as he is found **GUILTY** of two (2) counts of Serious Dishonesty and imposed upon him

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<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at 20-28.

<sup>28</sup> Section 3. The presence of any one of the following attendant circumstances in the commission of the dishonest act would constitute the offense of Serious Dishonesty; x x x

e. The respondent employed fraud and/or falsification of official documents in the commission of the dishonest act related to his/her employment.

x x x x

g. The dishonest act involves a Civil Service examination irregularity or fake Civil Service eligibility such as, but not limited to, impersonation, cheating and use of crib sheets.

<sup>29</sup> Rules on the Administrative Offense of Dishonesty.

<sup>30</sup> *Rollo*, p. 36.

the penalty of dismissal from the service with all the accessory penalties aforestated.

Copies of this Decision shall be furnished the Commission on Audit-DENR-CAR and the Government Service Insurance System (GSIS), for their reference and appropriate action.

Quezon City.<sup>31</sup>

On reconsideration, Dampilag averred that the CSC failed to consider certain documents showing varying style of his signature and handwriting.<sup>32</sup> He insisted that he inadvertently submitted the wrong picture and the act was not attended by malice.<sup>33</sup>

On June 6, 2016, the CSC denied the motion and ruled:

**WHEREFORE**, the Motion for Reconsideration of Hilario J. Dampilag, Special Investigator I, [CENRO], [DENR-CAR] is hereby **DENIED**. Accordingly, CSC Decision No. 160324 dated February 29, 2016 which modified the Decision No. 15-0058 dated September 11, 2015 and Resolution No 15-00023 dated October 28, 2015 of the [CSC-CAR], Baguio City, finding him guilty of two (2) counts of Serious Dishonesty and imposing upon him the penalty of dismissal from the service with all the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, except terminal/accrued leave benefits and personal contribution to the GSIS, if any, perpetual disqualification from holding public office, and bar from taking Civil Service Examination, **STANDS**.

Quezon City.<sup>34</sup>

On appeal, the CA reversed the CSC and exonerated Dampilag of the offense. The CA noted that a copy of the PSP and PDS were not made part of the records of the CA.<sup>35</sup> With the absence of possible reference to find the existence of the alleged dissimilarities between the photograph and the signature in the PSP and PDS, the CA based its decision solely on the pieces of evidence submitted before it (*i.e.*, Affidavit of Mandy Doney, executed on January 9, 2002; Certification issued by the DENR-CAR, Land Management Services, executed on November 29, 2008; Certification of Land Investigation issued by the DENR-CAR, Land Management Services, executed on February 11, 2009; Certification pertaining to a free patent application, executed on October 8, 2013; Joint Affidavit in support of free patent application, executed on August 11, 1999).<sup>36</sup> Based on these documents, the CA concluded that Dampilag's signature indeed exhibited minor deviations from the manner in which he had affixed his signature in

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<sup>31</sup> Emphasis retained.

<sup>32</sup> *Rollo*, p. 39.

<sup>33</sup> *Id.* at 40.

<sup>34</sup> Emphasis retained.

<sup>35</sup> *Rollo*, p. 26.

<sup>36</sup> *Id.*



the past.<sup>37</sup> Accordingly, the CA exonerated Dampilag, *viz.*:<sup>38</sup>

xxx, [Dampilag] has consistently contested the findings of the CSC-CAR and CSC regarding the perceived differences in his signature all throughout its proceedings. And while We would generally afford weight to these findings, in the absence of substantial evidence in support thereof and in light of the questions of fact raised by [Dampilag] in the instant petition, We deem it prudent to consider the evidence on record in which this Decision is based, and rule in favor of exonerating him for the offense charged.

**WHEREFORE**, premises considered, the instant Petition is hereby **GRANTED**. The assailed Decision and Resolution of the CSC dated February 29, 2016 and June 6, 2016 are **REVERSED** and **SET ASIDE**. Accordingly, the petitioner Hilario J. Dampilag is **EXONERATED** of the offense charged.

**SO ORDERED.**<sup>39</sup>

Hence, the CSC, through the Office of the Solicitor General (OSG), filed the instant petition before this Court.<sup>40</sup>

The OSG avers that the CA erroneously reversed the decision of the CSC despite being supported by substantial evidence. A comparison of the PDS and PSP showed glaring disparities as to Dampilag's signature that even a layman, using his naked eye, can readily see.

In compliance with this Court's Resolution<sup>41</sup> dated July 9, 2018, Dampilag filed his comment<sup>42</sup> on November 7, 2018.

Dampilag counters that there are no substantial discrepancies between his handwriting and signature in the PDS and in the PSP. He posits that he has the tendency of constantly changing the style of his signature as year passes by. This was supported by various documents that he submitted before the CA. Further, the CSC's conclusion that another person took the CSPE for and in his behalf is not supported by substantial evidence, but mere conjectures and speculations considering that no handwriting expert was presented to render his opinion on the matter. As to the photograph in the PSP, Dampilag already explained that he inadvertently submitted the picture of his former board mate which was mixed with his in an improvised envelope that he had in his possession on the day of examination. The circumstances do not indicate malice to commit fraud on his part and can be considered as excusable negligence.

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<sup>37</sup> *Id.* at 26-27.

<sup>38</sup> *Id.* at 27.

<sup>39</sup> Emphasis retained.

<sup>40</sup> *Supra*, note 1.

<sup>41</sup> *Rollo*, pp. 54-55.

<sup>42</sup> *Id.* at 67-76.

In its Reply,<sup>43</sup> the OSG avers that the submission of a different photograph in an examination cannot be considered as excusable negligence. As a matter of procedure, room examiners closely examine the pictures submitted and attached on the PSP, and compare the appearance of each of the examinees with the person in the picture submitted and affixed on the PSP. Further, the CSC examiners enjoy a presumption of regularity in the administration of civil service examinations. The OSG insists the stark differences between the handwriting and signatures of Dampilag in the PSP and in the PDS.

### **Ruling**

Prefatorily, findings of facts of administrative agencies, such as the CSC, if based on substantial evidence, are controlling on the reviewing court. The CSC are better-equipped in handling cases involving the employment status of employees in the Civil Service since it is within the field of their expertise.<sup>44</sup> Moreover, it is not the function of the Supreme Court in a Rule 45 petition to analyze and weigh all over again the evidence presented before the lower court, tribunal or office. One of the recognized exceptions to this rule is when the findings of the CA are contrary to those of the lower court, tribunal or office, as in this case.

The CA exonerated Dampilag on the basis of absence of evidence on the records that will support the CSC's conclusion that there exists significant differences between the signatures of Dampilag in the PSP and in the PDS. According to the CA, since a copy of the PSP and the PDS were not made part of the records, "the alleged differences remain a mystery to th[e] [c]ourt."<sup>45</sup> Thus, the CA decided on Dampilag's guilt based on the evidence presented before it – the several affidavits and certifications which bore Dampilag's signature and executed over different dates. After careful examination, the CA concluded that Dampilag's signatures indeed vary over time.

In this petition, the CSC implores this Court to reverse the CA because the charges against Dampilag are well substantiated by evidence.

We rule in favor of the CSC.

The evidence on record is overwhelming to support the finding of the CSC that Dampilag employed another person to take the December 1, 1996 CSPE held in Baguio City for and in his behalf and claimed the result as his own in his PDS accomplished on March 3, 1999. We are one with the CSC

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<sup>43</sup> *Id.* at 80-86.

<sup>44</sup> *Hadji-Sirad v. Civil Service Commission*, G.R. No. 182267, August 28, 2009.

<sup>45</sup> *Rollo*, p. 26.





that the differences in the facial features of the person appearing on the PSP vis-à-vis the PDS are evident in the shapes of the face, nose, lips and eyes of Dampilag. To be sure, Dampilag admitted that the person in the picture pasted in the PSP is not him. We find it, however, improbable that it was due to mere inadvertence that Dampilag gave the picture of his former board mate instead of his own picture during the day of examination. The CSC officials who supervise civil service examinations enjoy the presumption of regularity in the performance of their official duties.<sup>46</sup> If only to stress, we quote the findings of the CSC:

The lame justification of Dampilag cannot prevail over the overwhelming documentary evidence of the prosecution as regards the discrepancies in the facial features of the pictures attached to the subject PSP and his PDS dated March [3], 1999. It should be stressed that as a matter of procedure, the room examiners assigned to supervise the conduct of a civil service examination closely examine the pictures submitted and affixed on the PSP. The legal presumption that exists under the Civil Service Law and Rules is that the person whose picture appears in the PSP is the person who took the examination. The CSC officials who conducted the examination and ensured that it is the actual examinee's picture which is attached in the PSP are presumed to be regularly performing their duties and strong evidence is necessary to rebut this presumption.

In cases where the examinee does not look like the person in the picture submitted and attached to the PSP, the examiner will not allow said examinee to take the examination. Surely, Dampilag's impersonator was allowed by the Room and Supervising Examiners to take the examination because he pasted his own picture in the PSP. On the contrary, had the impersonator pasted in the PSP the true picture of Dampilag, he would have been disallowed by the examiners to take the examination.<sup>47</sup>

Dampilag failed to controvert the presumption of regularity in the performance of duties of the room examiners. Thus, the CSC examiners are conclusively deemed to have regularly performed their duties in relation to the administration of the CSPE held in Baguio City on December 1, 1996.<sup>48</sup>

As to the absence of a handwriting expert, Section 49,<sup>49</sup> Rule 130 of the Rules of Court uses the word "may," which signifies that the use of opinion of expert witness is permissive and not mandatory.<sup>50</sup> In *Heirs of Severa P. Gregorio v. Court of Appeals*,<sup>51</sup> we held that due to the technicality of the procedure involved in the examination of the forged documents, the expertise of questioned document examiners is usually helpful; however, resort to questioned document examiners is not mandatory and while probably useful,

<sup>46</sup> *Donato, Jr. v. Civil Service Commission*, G.R. No. 165788, February 7, 2007.

<sup>47</sup> *Rollo*, p. 34; citations omitted.

<sup>48</sup> See *Civil Service Commission v. Vergel de Dios*, G.R. No. 203536, February 4, 2015.

<sup>49</sup> SEC. 49. Opinion of expert witness. — The opinion of a witness on a matter requiring special knowledge, skill, experience or training which he is shown to possess, may be received in evidence.

<sup>50</sup> See *Marcos v. Heirs of Navarro, Jr.*, G.R. No. 198240, July 3, 2013.

<sup>51</sup> G.R. No. 117609, December 29, 1998.



they are not indispensable in examining or comparing handwriting.<sup>52</sup> Besides, when the dissimilarity between the genuine and false specimens of writing is visible to the naked eye, resort to technical rules is no longer necessary.<sup>53</sup> We quote the instructive rule of comparison in the examination of forged documents, thus:

As a rule, forgery cannot be presumed and must be proved by clear, positive and convincing evidence and the burden of proof lies on the party alleging forgery. The best evidence of a forged signature in an instrument is the instrument itself reflecting the alleged forged signature. The fact of forgery can only be established by a comparison between the alleged forged signature and the authentic and genuine signature of the person whose signature is theorized upon to have been forged. Without the original document containing the alleged forged signature, one cannot make a definitive comparison which would establish forgery.<sup>54</sup>

Here, the evidence presented includes certified true copy of the PSP and the PDS. After a careful comparison, we noted stark differences in the structure, strokes, form and general appearance of Dampilag's signatures and handwriting in the PDS and in the PSP. The letters "M," "J," and "N" were written differently and the strokes of the signatures were not similar. It cannot also escape our attention that the purported examinee wrote his name as "HILARIO D. DAMPILAG" in the PSP and not "HILARIO J. DAMPILAG." In the circumstances and based on the evidence on record, there is no doubt that the person who took the December 1, 1996 CSPE is not Dampilag. Someone impersonated Dampilag and took the examination in behalf of him.

In fine, we hold that the evidence presented before the CSC sufficiently proved that Dampilag is guilty of the offenses charged against him. To be sure, in administrative proceedings, the quantum of evidence required is only substantial, or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, even if other minds equally reasonable might conceivably opine otherwise.<sup>55</sup> Here, the records bear more than substantial evidence to support a finding of guilt against Dampilag.

### ***Offense and penalty***

The CSC modified the decision of the CSC-CAR and found Dampilag guilty instead for two counts of serious dishonesty based on the following grounds: (1) he committed an examination irregularity of impersonation when he connived and colluded with somebody to take the December 1, 1996 CSPE for and in his behalf; and (2) he employed fraud and falsification of official

<sup>52</sup> *Bautista v. Court of Appeals*, G.R. No. 158015, August 11, 2004.

<sup>53</sup> *Espino v. Espino*, G.R. No. 219563, June 27, 2018, quoting *Mendoza v. Fermin*, 738 Phil. 429 (2014).

<sup>54</sup> *Heirs of Gregorio v. Court of Appeals*, *supra* note 51. See also *Gepulle-Garbo v. Spouses Garabato*, G.R. No. 200013, January 14, 2015, quoted in *Espino v. Espino*, *id.*

<sup>55</sup> *Civil Service Commission v. Bumogas*, G.R. No. 174693, August 31, 2007.



documents in the commission of the dishonest act when he misrepresented in his PDS dated March 3, 1999 that he passed the December 1, 1996 CSPE when he did not.<sup>56</sup> The CSC concluded that these acts separately constitute the offense of serious dishonesty under Sections 3(e) and (g) of CSC Resolution No. 06-0538, otherwise known as the Rules on the Administrative Offense of Dishonesty, *viz.*:

Section 3. The presence of any one of the following attendant circumstances in the commission of the dishonest act would constitute the offense of Serious Dishonesty:

x x x x

e. The respondent employed fraud and/or falsification of official documents in the commission of the dishonest act related to his/her employment.

x x x x

g. The dishonest act involves a Civil Service examination irregularity or fake Civil Service eligibility such as, but not limited to, impersonation, cheating and use of crib sheets.

Dishonesty means the concealment or distortion of truth in a matter of fact relevant to one's office or connected with the performance of his duty.<sup>57</sup> It is "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."<sup>58</sup>

For dishonesty to be considered serious, the presence of *any one* of the circumstances enumerated in Section 3 of CSC Resolution No. 06-0538 must be present.<sup>59</sup> In this case, Dampilag falsified the PDS, an official document,<sup>60</sup> by misrepresenting that he passed the December 1, 1996 CSPE when he did not. In addition, he connived and colluded with someone to impersonate him and take the December 1, 1996 CSPE for and on his behalf. More importantly, Dampilag has been benefiting from the passing result in the said examination. Clearly, Dampilag committed two counts of serious dishonesty under Sections 3(e) and (g) of CSC Resolution No. 06-0538, respectively.

Dampilag is also liable for falsification of official document. It is a settled rule in this jurisdiction that the duly accomplished form of the Civil Service is an official document of the Commission.<sup>61</sup> Dampilag falsified his

<sup>56</sup> *Rollo*, p. 35.

<sup>57</sup> *Civil Service Commission v. Cayobit*, G.R. No. 145737, September 3, 2003, citing F. Moreno, *Philippine Law Dictionary* 276 (3rd ed., 1988).

<sup>58</sup> *Villordon v. Avila*, A.M. No. P-10-2809, August 10, 2012.

<sup>59</sup> Section 3. The presence of **any one** of the following attendant circumstances in the commission of the dishonest act would constitute the offense of Serious Dishonesty: x x x. (Emphasis supplied)

<sup>60</sup> *Re: Chulyao*, A.M. No. P-07-2292, September 28, 2010.

<sup>61</sup> *Id.*

PDS accomplished on March 3, 1999 when he indicated therein that he took and passed the CSPE on December 1, 1996 in Baguio City, with a rating of 81.89%, when in truth and in fact, somebody took the examination for him.

Moreover, under CSC Memorandum Circular No. 15, Series of 1991, any “act which includes the procurement and/or use of fake/spurious civil service eligibility, the giving of assistance to ensure the commission or procurement of the same, cheating, collusion, impersonation, or any other anomalous act which amounts to any violation of the Civil Service examination has been categorized as a grave offense of Dishonesty, Grave Misconduct or Conduct Prejudicial to the Best Interest of the Service.” Verily, by colluding and conniving with someone to impersonate him in taking the December 1, 1996 CSPE, and making untruthful statement in his PDS of his civil service eligibility, Dampilag is liable for grave misconduct.<sup>62</sup>

Section 50 of CSC Resolution No. 1101502, or the Revised Uniform Rules on Administrative Cases in the Civil Service, provides that if the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances.<sup>63</sup> Under Section 46, the offenses of serious dishonesty, falsification of official document, and grave misconduct are all punishable by the penalty of dismissal from the service.<sup>64</sup>

In view of Dampilag’s misrepresentation in the PDS that he took and passed the CSPE on December 1, 1996, and collusion with someone to take the December 1, 1996 CSPE for and in his behalf, this Court finds Dampilag administratively liable for two counts of serious dishonesty, falsification of official document, and grave misconduct. He is meted the penalty of dismissal with the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, except accrued leave credits,<sup>65</sup> disqualification from re-employment in the government service,<sup>66</sup> and bar from taking civil service examinations.<sup>67</sup>

<sup>62</sup> See *Civil Service Commission v. Vergel de Dios*, *supra* note 48.

<sup>63</sup> SECTION 50. Penalty for the Most Serious Offense. — If the respondent is found guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances.

<sup>64</sup> SECTION 46. Classification of Offenses. — x x x

A. The following grave offenses shall be **punishable by dismissal from the service**:

1. Serious Dishonesty;

x x x x

3. Grave Misconduct;

x x x x

6. Falsification of official document; (Emphasis supplied)

<sup>65</sup> See *Cabanatan v. Molina*, A.M. No. P-01-1520, November 21, 2001.

<sup>66</sup> See *Re: Samuel R. Ruñez, Jr.*, A.M. No. 2019-18-SC, January 28, 2020 and *Civil Service Commission v. Sta. Ana*, A.M. No. P-03-1696, April 30, 2003.

<sup>67</sup> SECTION 52. Administrative Disabilities Inherent in Certain Penalties. —

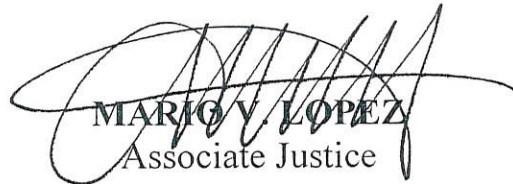
a. The penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office and bar from taking civil service examinations.



**FOR THESE REASONS**, the Petition for Review on *Certiorari* is **GRANTED**. The decision of the Court of Appeals in CA-G.R. SP No. 147131 is **REVERSED** and the Decision No. 160324 dated February 29, 2016 and Resolution No. 1600574 dated June 6, 2016 of the Civil Service Commission are **AFFIRMED** with **MODIFICATIONS** in that Hilario J. Dampilag is **GUILTY** of two counts of Serious Dishonesty, Falsification of Official Document, and Grave Misconduct. He is **DISMISSED** from the service, with the forfeiture of his retirement benefits, except terminal/accrued leave credits, and with prejudice to re-employment in any branch or instrumentality of the government, including any government-owned or controlled corporations.

Let a copy of this Decision be furnished to the Civil Service Commission.

**SO ORDERED.**



MARIO V. LOPEZ  
Associate Justice

**WE CONCUR:**



**DIOSDADO M. PERALTA**  
Chief Justice  
Chairperson



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



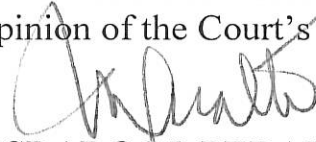
**JOSE C. REYES, JR.**  
Associate Justice



**AMY C. LAZARO-JAVIER**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**DIOSDADO M. PERALTA**  
Chief Justice