



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

CIVIL  
COMMISSION,

SERVICE

G.R. No. 255286

Petitioner,

Present:

- versus -

LEONEN, S.A.J., Chairperson,  
LAZARO-JAVIER,  
M. LOPEZ,  
J. LOPEZ, and  
KHO, JR., JJ.

EPIFANY ALONZO,  
Respondent.

Promulgated:

NOV 13 2023

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DECISION

KHO, JR., J.:

Before the Court is a Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the Rules of Court filed by the Civil Service Commission (CSC), assailing the Amended Decision<sup>2</sup> dated November 13, 2019 and the Resolution<sup>3</sup> dated October 22, 2020 of the Court of Appeals (CA) in CA-G.R. SP No. 08286. The assailed CA rulings reversed and set aside the Decision<sup>4</sup> dated January 21, 2014 of the CSC which, in turn, upheld the Decision<sup>5</sup> dated December 4,

<sup>1</sup> Rollo, pp. 12-46.

<sup>2</sup> *Id.* at 99-102. Penned by Associate Justice Dorothy P. Montejo-Gonzaga with Associate Justices Edgardo L. Delos Santos and Emily R. Aliño-Geluz, concurring.

<sup>3</sup> *Id.* at 104-107. Penned by Associate Justice Dorothy P. Montejo-Gonzaga with Associate Justices Pamela Ann Abella Maxino and Emily R. Aliño-Geluz, concurring.

<sup>4</sup> *Id.* at 124-135. Penned by Chairman Francisco T. Duque III with Commissioners Robert S. Martinez and Nieves L. Osorio, concurring.

<sup>5</sup> *Id.* at 136-145. Penned by Acting Director IV Atty. Marilyn E. Taldo.

2012 of the CSC Regional Office No. VIII (CSCRO-8) finding respondent Epifany Alonzo (Alonzo) guilty of serious dishonesty, falsification of official document, and conduct prejudicial to the best interest of the service.

### The Facts

On December 29, 2004, Alonzo was issued a promotional appointment as Senior Police Officer 2 (SPO2) of the Philippine National Police, Regional Office VIII (PNPRO-8), under temporary status. In support of his appointment, Alonzo submitted a duly accomplished Personal Data Sheet (PDS) dated January 24, 2005 wherein he stated in Item No. 26 that he is a graduate of AB Economics from Albayog Community College (ACC).<sup>6</sup> However, the appointment was disapproved by the CSC Field Office-Leyte (CSCFO) for Alonzo's failure to meet the educational requirement for the position.<sup>7</sup>

On January 18, 2006, Alonzo was issued a permanent appointment to the same position of SPO2, which the CSCFO approved of even date. To support his permanent appointment, Alonzo again submitted a PDS dated April 21, 2005<sup>8</sup> declaring that he is a graduate of AB Economics from ACC. Additionally, he submitted a photocopy of his Transcript of Records (TOR) purportedly issued by said school.<sup>9</sup>

During the verification made by the CSCRO-8 on Alonzo's scholastic records with ACC, however, it was revealed that Alonzo did not graduate from ACC, contrary to his statement in his PDS. Specifically, the Registrar of ACC, Asuncion M. Villote (Villote), stated in a letter dated February 27, 2006, duly noted by the College Dean, Dioscoro O. Angelia, that Alonzo enrolled in the 1<sup>st</sup> Semester of the Academic Year (AY) 1987-1988, but there was no record of him graduating in the AY 1999-2000.<sup>10</sup> Based on these findings, the approval of Alonzo's appointment as SPO2 was recalled and disapproved by the CSCFO on November 2, 2006. Thus, Alonzo was reverted to his former position as SPO1.<sup>11</sup>

Meanwhile, the PNPRO-8 issued a Charge Sheet dated January 15, 2008 against Alonzo for dishonesty (submitting fake/fraudulent scholastic records).<sup>12</sup>

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<sup>6</sup> *Id.* at 111.

<sup>7</sup> *Id.* at 110.

<sup>8</sup> *Id.* at 113. January 21, 2005 in some parts of the records, *see id.* at 110.

<sup>9</sup> *Id.* at 111.

<sup>10</sup> *Id.*

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

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

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In a Decision<sup>13</sup> dated May 6, 2008, the National Police Commission (NAPOLCOM) exonerated Alonzo of the charge of dishonesty for lack of substantial evidence. The NAPOLCOM noted that despite the February 27, 2006 letter issued by the new administrators of ACC certifying that it has no record of Alonzo graduating from the school, they did not declare that the school documents he submitted were falsified. On the contrary, the NAPOLCOM Decision pointed out that the former school Registrar, Ma. Marly A. Tisado<sup>14</sup> (Ma. Marly), categorically stated in her Affidavit that Alonzo graduated from ACC. It added that Bonifacio D. Morimonte, Elizar P. Tisado (Elizar), and Ma. Marly—former officials of ACC—did not contest the authenticity of their signatures on the TOR submitted by Alonzo. Further, the NAPOLCOM considered the fact that the school transferred to a different location and there was no proper inventory of the school records by the school's new administrators. Finally, it likewise highlighted the report made to the police concerning a ransacking incident that left ACC's registrar's office in disarray.<sup>15</sup>

Subsequently, on June 25, 2009, the CSCRO-8 filed a formal charge against Alonzo for dishonesty, falsification of official document, and conduct prejudicial to the best interest of the service.<sup>16</sup> Pertinently, it claimed that Alonzo misrepresented in his January 24, 2005 PDS, which he submitted together with his TOR in support of his promotional appointment as SPO2 on January 18, 2006, that he is a graduate of AB Economics from ACC in 1999 when he is not.<sup>17</sup> Further, upon verification with the Dean of College of ACC, it was revealed that Alonzo has “no record as graduate of the college in AY 1999-2000.”<sup>18</sup>

In support of these allegations, the prosecution submitted the following documents, among others: (i) Alonzo's January 24, 2005 and April 21, 2005 PDS's; (ii) letter-reply of Villote to the CSCRO-8's request for verification of Alonzo's TOR; and (iii) checklist and grade sheets for 1<sup>st</sup> and 2<sup>nd</sup> semesters of AYs 1997-1998 and 1998-1999, 1<sup>st</sup> semester of AY 1999-2000, and summer 1998 and 1999 of ACC.<sup>19</sup>

Instead of filing his Answer to the formal charge, Alonzo submitted an Affidavit<sup>20</sup> executed on March 24, 2008, claiming that he was officially enrolled in ACC where he graduated with a Bachelor of Arts major in Economics degree in October 1999. He alleged that his scholastic records may have been misplaced due to the total revamp of the college and the lack of a formal inventory of record/document of students from the previous

<sup>13</sup> Not attached to the *rollo*. *Id.* at 112-113.

<sup>14</sup> Also referred to as “Marly A. Tisado” or “Maria Marly A. Tisado” in some parts of the *rollo*.

<sup>15</sup> *Rollo*, pp. 112-113.

<sup>16</sup> *Id.* at 113.

<sup>17</sup> *Id.* at 114.

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

<sup>19</sup> *Id.* at 138-140.

<sup>20</sup> Not attached to the *rollo*. *Id.* at 114-115.

administration and staff to the present. Further, he asserted that several records were lost/missing when ACC's Registrar's Office was ransacked by unidentified persons, per the report made to the police on November 2, 2003 by the previous registrar.<sup>21</sup>

In support of his defense, Alonzo submitted the following documents, among others: (a) photocopy of his TOR issued by ACC containing the signatures of Ma. Marly (prepared by), Elizar (checked by), and Ma. Marly (Registrar); (b) Affidavit of Elizar; (c) photocopy of the Affidavit of Ma. Marly; and (d) photocopy of the extract blotter issued by the PNP.<sup>22</sup>

### The CSC Rulings

In a Decision<sup>23</sup> dated December 4, 2012, the CSCRO-8 found Alonzo administratively liable for serious dishonesty, falsification of official document, and conduct prejudicial to the best interest of the service, and consequently, meted him the penalty of dismissal from government service with all its accessory penalties.<sup>24</sup>

The CSCRO-8 held that Alonzo's act of representing in his PDS that he was a graduate of a baccalaureate degree when the verification revealed otherwise, as well as his submission of a purportedly authenticated copy of his TOR to make it appear that he met the educational requirement for the position he was promoted to, constitutes the offenses charged against him.<sup>25</sup>

On Alonzo's appeal to the CSC Main Office (CSC Main), the latter promulgated a Decision<sup>26</sup> dated January 21, 2014 affirming the CSCRO-8's ruling. Primarily, it held that the NAPOLCOM Decision does not constitute *res judicata* and thus, did not preclude the CSCRO-8 from further prosecuting the case.

Anent Alonzo's administrative liability, the CSC Main ruled that Alonzo's act of intentionally and consciously misrepresenting himself to be a graduate of a baccalaureate degree in his PDS, when he is not, thereby paving the way for his promotion, constitutes the offenses of serious dishonesty and falsification of official document, as well as conduct prejudicial to the best interest of the service.

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<sup>21</sup> *Id.* at 114-115.

<sup>22</sup> *Id.* at 138.

<sup>23</sup> *Id.* at 136-145.

<sup>24</sup> *Id.* at 145.

<sup>25</sup> *Id.* at 144.

<sup>26</sup> *Id.* at 124-135.

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Determined, Alonzo filed a Petition for Review<sup>27</sup> under Rule 42 of the Rules of Court before the CA.

### The CA Ruling

In a Decision<sup>28</sup> dated September 20, 2018, the CA denied Alonzo's Petition and affirmed the ruling of the CSC Main.<sup>29</sup> The CA ruled that Alonzo's exoneration for the offense of dishonesty by the NAPOLCOM does not constitute *res judicata* in relation to the formal charge before the CSCRO-8, since there is no identity of cause of action between the two cases. Particularly, the former charge solely pertained to Alonzo's submission of fabricated school records while in the latter, Alonzo was prosecuted for misrepresentation in his PDS that he graduated from ACC with a degree of AB Economics to support his supposed promotion to SPO2 when he did not. Hence, he was charged not only with serious dishonesty and falsification of official document, but also with conduct prejudicial to the best interest of the service.<sup>30</sup>

Moreover, the CA held that the findings of the NAPOLCOM could not have prevented the CSC from pursuing an administrative case against Alonzo, in view of its constitutional mandate to protect the integrity of the civil service system. Citing case law, it pointed out that the act complained of in this case—Alonzo's misrepresentation of his eligibility for promotion—is a matter which is administered by the CSC. Finally, the CA upheld the CSC's findings with respect to Alonzo's administrative liability.<sup>31</sup>

Undeterred, Alonzo moved for reconsideration.<sup>32</sup>

In an Amended Decision<sup>33</sup> dated November 13, 2019, the CA nullified the formal charge against Alonzo, as well as the order for his dismissal. The CA ruled that while the *CSC has concurrent jurisdiction with the NAPOLCOM over complaints involving the latter's personnel, the former was nonetheless proscribed from assuming jurisdiction over the formal charge against Alonzo since a prior complaint involving the same acts had already been previously filed against him and taken cognizance by the NAPOLCOM.* The CA highlighted that the body or agency that first takes cognizance of the complaint shall exercise jurisdiction to the exclusion of the others. Besides, the CA noted that Alonzo had been exonerated by the NAPOLCOM, which decision had become final and executory. In this regard, the CA stressed that the subsequent bar on the part of the CSC from re-investigating the same

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<sup>27</sup> *Id.* at 164–175.

<sup>28</sup> *Id.* at 110–123.

<sup>29</sup> *Id.* at 122.

<sup>30</sup> *Id.* at 117–118.

<sup>31</sup> *Id.* at 118–122.

<sup>32</sup> *Id.* at 146–158.

<sup>33</sup> *Id.* at 99–102.

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charges previously filed against Alonzo *was not pursuant to res judicata, but rather on the doctrine of concurrent jurisdiction.*<sup>34</sup>

This time, the CSC sought reconsideration, which was denied in a Resolution<sup>35</sup> dated October 22, 2020. Hence, this present Rule 45 Petition.<sup>36</sup>

### The Proceedings before the Court

In a Resolution<sup>37</sup> dated July 6, 2021, the Court denied the Rule 45 Petition “for late payment of Sheriff’s Trust Fund, due date being February 11, 2021” and “[i]n any event, [the CSC] failed to sufficiently show that the Court of Appeals committed any reversible error in the challenged decision and resolution as to warrant the exercise of this Court’s discretionary appellate jurisdiction.”<sup>38</sup>

Subsequently, the CSC moved for reconsideration,<sup>39</sup> claiming that it timely paid the Sheriff’s Trust Fund on June 4, 2021, as evidenced by the attached Official Receipt No. 0292726-SC-EP.<sup>40</sup> It likewise insists that the doctrine of *res judicata* is inapplicable; and that Alonzo is guilty of dishonesty, falsification of official document, and conduct prejudicial to the best interest of the service.<sup>41</sup>

In a Resolution<sup>42</sup> dated October 10, 2022, the Court granted the CSC’s motion and accordingly, reinstated the Petition. It likewise ordered Alonzo to file his Comment to the Petition within 10 days from notice.

### The Issue Before the Court

The issue before the Court is whether the CA committed reversible error in nullifying the formal charge against Alonzo, as well as the order for his dismissal.

The CSC argues that it validly acquired jurisdiction over Alonzo and it is not bound by the decision of the NAPOLCOM exonerating the latter from administrative liability. Particularly, it contends that, *first*, the charges of serious dishonesty, falsification of official (public) documents, and conduct

<sup>34</sup> *Id.* at 100–101.

<sup>35</sup> *Id.* at 104–107. Emphasis supplied.

<sup>36</sup> *Id.* at 12–41.

<sup>37</sup> *Id.* at 250.

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

<sup>39</sup> *Id.* at 253–267.

<sup>40</sup> *Id.* at 254–255. The CSC did not attach a proof of payment of the Sheriff’s Trust Fund, but only a copy of the Manifestation filed on June 4, 2021, in compliance with the Court’s directive to pay said fees (*see id.* at 269–272).

<sup>41</sup> *Id.* at 255–261.

<sup>42</sup> *Id.* at 290–291.

prejudicial to the best interest of the service against Alonzo were made in relation to his civil service eligibility, particularly in connection with his promotion, and not to the performance of his duties and functions as a member of the PNP.<sup>43</sup>

*Second*, its appellate power will only apply when the subject of the administrative case filed against the erring employee is in connection with the duties and functions of their office, not in cases where the acts of the employee arose from cheating in the civil service examination or, as in this case, from the requirements for his promotion.<sup>44</sup>

*Third*, under Book V, Title I (A), Section 12, par. 11 of Executive Order No. 292 (or the Administrative Code of 1987), the CSC has the duty, authority, and power to uphold the merit system and protect the civil service from persons who are unqualified by removing from its master list of eligible candidates those who have falsified their requirements, forged their qualifications, and have questionable integrity.<sup>45</sup>

*Lastly*, its findings are entitled to great weight and respect by the Court especially since they are supported by substantial evidence.<sup>46</sup>

Anent its findings on Alonzo's administrative liability, the CSC argues that its findings were based on documentary and testimonial evidence presented by the officials of ACC which showed that Alonzo is not a graduate of AB Economics from ACC. According to the CSC, Alonzo's act of making it appear that he is an AB Economics graduate from ACC when in fact he is not, prejudiced other more qualified applicants who could have been promoted or employed had it not been for his misrepresentations. His act of intentionally misrepresenting his qualifications and making false entries in official documents for the promotion constitutes serious dishonesty and conduct prejudicial to the best interest of the service, for which he was properly held administratively liable. Thus, the administrative charges hurled against Alonzo pertain to his character, and not to the position he held.<sup>47</sup>

In his Manifestation/Comment,<sup>48</sup> adopting by reference the arguments in his Petition for Review,<sup>49</sup> as well as his Motion for Reconsideration<sup>50</sup> filed before the CA, Alonzo claims that the Decision of the NAPOLCOM exonerated him for the charge of dishonesty on the ground that there is no evidence showing that his TOR was falsified. Since his TOR, which was

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<sup>43</sup> *Id.* at 23-25.

<sup>44</sup> *Id.* at 26-28.

<sup>45</sup> *Id.* at 28-31.

<sup>46</sup> *Id.* at 31-32.

<sup>47</sup> *Id.* at 31-38.

<sup>48</sup> *Id.* at 292-293.

<sup>49</sup> *Id.* at 164-175.

<sup>50</sup> *Id.* at 205-209.

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signed by ACC's President, Dean, and Registrar, clearly exhibited his scholastic records in ACC, then the Decision of the NAPOLCOM barred the CSC from relitigating the same issue on the ground of *res judicata*.<sup>51</sup>

Moreover, Alonzo asserts that the CSC committed serious error when it held him administratively liable for serious dishonesty, falsification of official document, and conduct prejudicial to the best interest of the service by relying on the disputable presumption that a person in possession of a falsified document and makes use of the same is considered to be the author. In this respect, Alonzo points out that there was no evidence presented which showed that the TOR was indeed falsified. In fact, said document has not been officially declared by a competent court to have been falsified. Moreover, Ma. Marly, the former registrar of ACC, whom he presented as witness, confirmed the genuineness and authenticity of the TOR and therefore, sufficiently rebutted said presumption.<sup>52</sup>

### The Court's Ruling

The Petition is partly granted.

Prefatorily, it must be stressed that "in a petition for review on *certiorari* under Rule 45 of the Rules of Court, only questions of law can be raised. For a question to be one of law, the same must not involve an examination of the probative value of the evidence presented by the litigants or any of them."<sup>53</sup>

In this case, in addition to questioning the CA's ruling declaring it barred from exercising jurisdiction over Alonzo in view of the NAPOLCOM's earlier decision, the CSC likewise assails the factual findings and conclusions of the CA as to Alonzo's administrative liability for serious dishonesty, falsification of official document, and conduct prejudicial to the best interest of the service in connection with his eligibility for promotion. Evidently, the issues raised with respect to the administrative liability of Alonzo are factual in nature, which are not proper for a Rule 45 petition.

Nonetheless, case law has recognized several exceptions to the rule, namely: (a) when the findings are grounded entirely on speculation, surmises or conjectures; (b) when the inference made is manifestly mistaken, absurd or impossible; (c) when there is grave abuse of discretion; (d) when the judgment is based on a misapprehension of facts; (e) *when the findings of facts are conflicting*; (f) when in making its findings the CA went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant

<sup>51</sup> *Id.* at 168-171.

<sup>52</sup> *Id.* at 171-173.

<sup>53</sup> *Aguilar v. Benlot*, 845 Phil. 885, 896 (2019) [Per J. Reyes, Jr., Second Division]; citations omitted.

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and the appellee; (g) when the findings are contrary to those of the trial court; (h) when the findings are conclusions without citation of specific evidence on which they are based; (i) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (j) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (k) when the CA manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion.<sup>54</sup>

The jurisdictional issue raised in this Petition, as well as the conflicting findings of the CSC and the CA with respect to Alonzo's administrative liability, justifies relaxation of the rules for a complete and just resolution of the case.

*The CSC is not barred by a prior NAPOLCOM ruling in cases involving eligibility in the civil service.*

The Constitution explicitly mandates that appointments in the civil service shall be made only according to merit and fitness.<sup>55</sup> To enforce and realize this mandate, the Constitution created the CSC specifically tasked with the administration of the civil service encompassing “*all branches, subdivisions, instrumentalities, and agencies of the Government, including government-owned or controlled corporations with original charters.*”<sup>56</sup> The Constitution envisioned the CSC as “*the central personnel agency of the government mandated to establish a career service and promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service; strengthen the merit and rewards system; and integrate all human resources development programs for all levels and ranks.*”<sup>57</sup>

As the central personnel agency of the government, the Constitution endowed the CSC with broad authority to pass upon all civil service matters with all powers (i.e., executive, quasi-judicial, and quasi-legislative or rule-making powers) and functions inherent in and incidental thereto, akin to human resources management.<sup>58</sup> The 1987 Administrative Code then spelled

<sup>54</sup> *Soliva v. Tanggol*, 869 Phil. 707, 720 (2020) [Per J. Carandang, Third Division]; citation omitted.

<sup>55</sup> CONST. (1987), art. IX-B, sec. 2(2), which reads:  
Section 2. . . .

(2) Appointments in the civil service shall be made only according to merit and fitness to be determined, as far as practicable, and, except to positions which are policy determining, primarily confidential, or highly technical, by competitive examination.

<sup>56</sup> *Career Executive Service Board v. Civil Service Commission*, 806 Phil. 967, 993 (2017) [Per J. Sereno, *En Banc*]. Emphasis supplied.

<sup>57</sup> *Funa v. The Chairman, Civil Service Commission*, 748 Phil. 169, 188 (2014) [Per J. Bersamin, *En Banc*].

<sup>58</sup> *Career Executive Service Board v. Civil Service Commission*, *supra* note 56, at 993–994. See also I Record, Constitutional Commission 592–593 (July 15, 1986); and *Trade and Investment Development Corporation of the Philippines v. Civil Service Commission*, 705 Phil. 357, 370 (2013) [Per J. Brion, *En Banc*].

out the CSC's rule-making power in more concrete terms in Book V, Title I-A, Section 12, which empowered the CSC to implement the civil service law and other pertinent laws, and to promulgate policies, standards, and guidelines for the civil service,<sup>59</sup> viz.:

**Section 12. Powers and Functions.** – The Commission shall have the following powers and functions:

- (1) *Administer and enforce the constitutional and statutory provisions on the merit system for all levels and ranks in the Civil Service;*
- (2) *Prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and other pertinent laws;*
- (3) *Promulgate policies, standards and guidelines for the Civil Service* and adopt plans and programs to promote economical, efficient and effective personnel administration in the government;
- (4) Formulate policies and regulations for the administration, maintenance and implementation of position classification and compensation and set standards for the establishment, allocation and reallocation of pay scales, classes and positions;
- .....
- (11) *Hear and decide administrative cases instituted by or brought before it directly or on appeal, including contested appointments,* and review decisions and actions of its offices and of the agencies attached to it. Officials and employees who fail to comply with such decisions, orders, or rulings shall be liable for contempt of the Commission. Its decisions, orders, or rulings shall be final and executory. Such decisions, orders, or rulings may be brought to the Supreme Court on certiorari by the aggrieved party within thirty (30) days from receipt of a copy thereof;
- .....
- (14) *Take appropriate action on all appointments and other personnel matters in the Civil Service* including extension of Service beyond retirement age;
- (15) Inspect and audit the personnel actions and programs of the departments, agencies, bureaus, offices, local government units and other instrumentalities of the government including government-owned or controlled corporations; conduct periodic review of the decisions and actions of offices or officials to whom authority has been delegated by the Commission as well as the conduct of the officials and the employees in these offices and apply appropriate sanctions whenever necessary;
- .....
- (19) *Perform all functions properly belonging to a central personnel agency and such other functions as may be provided by law.* (Emphases supplied)

<sup>59</sup> *Trade and Investment Development Corporation of the Philippines v. Civil Service Commission*, supra note 58, at 371.

On the other hand, the NAPOLCOM is the agency mandated by the Constitution to administer and control the members of the PNP. Created pursuant to Article XVI, Section 6<sup>60</sup> of the 1987 Constitution, as well as Republic Act No. 6975,<sup>61</sup> as amended by Republic Act No. 8551,<sup>62</sup> the NAPOLCOM is vested with the following powers and functions:

SEC. 14. *Powers and Functions of the Commission.* – The Commission shall exercise the following powers and functions:

(a) *Exercise administrative control and operational supervision over the Philippine National Police* which shall mean the power to:

- 1) *Develop policies and promulgate a police manual prescribing rules and regulations for efficient organization, administration, and operation, including criteria for manpower allocation, distribution and deployment, recruitment, selection, promotion, and retirement of personnel and the conduct of qualifying entrance and promotional examinations for uniformed members;*
- 2) *Examine and audit, and thereafter establish the standards for such purposes on a continuing basis, the performance, activities, and facilities of all police agencies throughout the country;*  
.....
- 5) *Approve or modify plans and programs on education and training, logistical requirements, communications, records, information systems, crime laboratory, crime prevention and crime reporting;*
- 6) *Affirm, reverse or modify, through the National Appellate Board, personnel disciplinary actions involving demotion or dismissal from the service imposed upon members of the Philippine National Police by the Chief of the Philippine National Police;*
- 7) *Exercise appellate jurisdiction through the regional appellate boards over administrative cases against policemen and over decisions on claims for police benefits;*  
.....

b) Advise the President on all matters involving police functions and administration;

c) Render to the President and to the Congress an annual report on its activities and accomplishments during the thirty (30) days after the end of the calendar year, which shall include an appraisal of the conditions obtaining in the organization and administration of police agencies in the

<sup>60</sup> SECTION 6. The State shall establish and maintain one police force, which shall be national in scope and civilian in character, to be administered and controlled by a national police commission. The authority of local executives over the police units in their jurisdiction shall be provided by law.

<sup>61</sup> Republic Act No. 6975 (1990), Department of the Interior and Local Government Act of 1990.

<sup>62</sup> Republic Act No. 6975 (1998), Philippine National Police Reform and Reorganization Act of 1998.

municipalities, cities and provinces throughout the country, and recommendations for appropriate remedial legislation;

d) Recommend to the President, through the Secretary, within sixty (60) days before the commencement of each calendar year, a crime prevention program; and

e) Perform such other functions necessary to carry out the provisions of this Act and as the President may direct. (Emphases supplied)

Under Section 52 of Republic Act No. 8551, amending Section 40 of Republic Act No. 6975, *exclusive jurisdiction over a complaint or charge filed against a PNP member is vested on the disciplining authority having first acquired original jurisdiction over the case, except for "offenses which carry higher penalties" which shall then be referred to the "appropriate authority which has jurisdiction over the offense."*

Under NAPOLCOM Memorandum Circular No. (MC) 2016-002, Part I, Rule 2, Section 2 (b) and (c), the NAPOLCOM shall have primary jurisdiction over grave administrative cases defined and penalized thereunder. These grave administrative cases include grave dishonesty under Part III, Rule 21, Section 2 (C)(4), of MC 2016-002, which involves the presence of, among other circumstances, *the employment by respondent of fraud or falsification of official documents in the commission of the dishonest act related to his or her employment.*

Based on the foregoing provisions, it is readily apparent that the CSC was specifically created and mandated by the Constitution to be the central personnel agency of the government tasked not only to "administer and enforce the constitutional and statutory provisions on the merit system for all levels and ranks in the Civil Service." More importantly, it is also mandated to "take appropriate action on *all appointments and other personnel matters in the Civil Service,*" which includes disciplinary action over those in the civil service. The purpose of having a centralized personnel agency is to ensure that only those found to be fit and worthy shall be appointed to and hold positions in the civil service.

In contrast, the NAPOLCOM was statutorily created, pursuant to a constitutional mandate, to be the central administrative agency in charge of the supervision and control over the operations of the national police force and disciplinary actions over its officers and members. Thus, as the central administrative agency of the national police force, it is likewise inherently vested with the administrative disciplinary jurisdiction over the organization's officers and members.

Nonetheless, as the PNP is an instrumentality or agency of the government, its officers and members still fall under the jurisdiction of the CSC pursuant to Article IX (B), Section 2 (1) of the 1987 Constitution, viz.:

SECTION 2. (1) *The civil service embraces all branches, subdivisions, instrumentalities, and agencies of the Government, including government-owned or controlled corporations with original charters. (Emphasis supplied)*

Consequently, as the central personnel agency of the government, the CSC has jurisdiction to “*hear and decide cases instituted by or brought before it directly or on appeal, including contested appointments*” against officers and members of the PNP, separate and independent from the disciplinary jurisdiction of the NAPOLCOM.

In *Civil Service Commission v. Albao*,<sup>63</sup> the Court, speaking through Justice Adolfo S. Azcuna, held that the *CSC’s power to institute administrative proceedings against government employees who falsify information in the PDS does not partake of an ordinary disciplinary proceeding against an employee who committed infractions in relation to his/her office/duties. Rather, it is an integral part of its duty to weed out ineligibles from the government service*, thus:

The present case, however, partakes of an act by petitioner to protect the integrity of the civil service system, and does not fall under the provision on disciplinary actions under Sec. 47. *It falls under the provisions of Sec. 12, par. 11, on administrative cases instituted by it directly. This is an integral part of its duty, authority and power to administer the civil service system and protect its integrity, as provided in Article IX-B, Sec. 3 of the Constitution, by removing from its list of eligibles those who falsified their qualifications. This is to be distinguished from ordinary proceedings intended to discipline a bona fide member of the system, for acts or omissions that constitute violations of the law or the rules of the service.*<sup>64</sup> (Emphasis supplied)

The Court recognizes that under MC 2016-002, the administrative jurisdiction of the NAPOLCOM over grave dishonesty includes the employment by the respondent of “*fraud or falsification of official documents in the commission of the dishonest act related to his or her employment.*” It must be clarified, however, that the dishonest act covered by this provision pertains to the act of committing fraud or falsification of official documents. The purpose of this disciplinary action is to penalize the respondent for falsifying official documents or committing fraud, albeit incidentally relating to the respondent’s employment.

<sup>63</sup> 509 Phil. 530 (2005) [Per J. Azcuna, *En Banc*].

<sup>64</sup> *Id.* at 539.

In contrast, the administrative jurisdiction of the CSC over charges of dishonesty pertains to the *deliberate misrepresentations made by the respondent in relation to their eligibility for the government position*—whether for appointment or promotion. In this situation, the respondent is being held liable for misrepresenting that they are eligible for appointment or promotion when they are not, to the detriment of the public and the government service. The purpose of this disciplinary action is to weed out ineligible from the government service and ensure that only those qualified will discharge the duties and responsibilities of the government office.

Accordingly, the Court holds that the CSC was not proscribed from assuming jurisdiction over the formal charge against Alonzo involving the declarations he made in his PDS, despite the earlier decision of the NAPOLCOM exonerating him for the charge of dishonesty for allegedly fabricating school records. As the CA ruled in its September 20, 2018 Decision, the case before the CSC did not involve a purely administrative disciplinary case involving actions committed in relation to Alonzo's office. Rather, it dealt with Alonzo's misrepresentation of his eligibility for promotion. Verily, in acting as it did in this case, the CSC merely exercised its power and duty to weed out ineligible and protect the integrity of the civil service. These are matters that are evidently beyond the jurisdiction of the NAPOLCOM.

*Alonzo is not administratively liable for serious dishonesty, falsification of public documents, and conduct prejudicial to the best interest of the service.*

Rule 131, Section 1 of the Rules of Court defines "burden of proof" as "the duty of a party to present evidence on the facts in issue necessary to establish his claim or defense by the amount of evidence required by law." The burden of proof never shifts. In administrative proceedings, complainants bear the burden of proving the allegations in their complaints by substantial evidence.<sup>65</sup> Relatedly, case law defines substantial evidence as evidence that is more than a mere scintilla but is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. The standard of substantial evidence is satisfied when there is reasonable ground to believe that respondent is responsible for the misconduct complained of, even if such evidence might not be overwhelming or even preponderant. While substantial evidence does not necessarily import preponderance of evidence as is required in an ordinary civil case, or evidence beyond reasonable doubt as is required in criminal cases, it should be enough for a reasonable mind to support a conclusion.<sup>66</sup>

<sup>65</sup> *CSC v. Ledesma*, 508 Phil. 569, 585 (2005) [Per J. Carpio, *En Banc*]; citations omitted.

<sup>66</sup> *Re: Letter of Lucena Ofendoreyes Alleging Illicit Activities of a Certain Atty. Cajayon Involving Cases in the Court of Appeals, Cagayan de Oro City*, 810 Phil. 369, 374 (2017) [Per J. Perlas-Bernabe, *En Banc*].

Once the plaintiff has initially established their case, the burden of evidence shifts to the defendant, who, in turn, has the burden to establish their defense.<sup>67</sup> Rule 131, Section 1 defines “burden of evidence” as “the duty of a party to present evidence sufficient to establish or rebut a fact in issue to establish a *prima facie* case.” The burden of evidence may shift from one party to the other during the proceedings, depending on the exigencies of the case.

Case law provides that the burden of evidence “rests on a party at any particular time during a trial to create a *prima facie* case in [their] own favor, or to overthrow one when created against [them]. It is determined by the progress of the trial and shifts to one party when the other party has produced sufficient evidence to be entitled as a matter of law to a ruling in [their] favor. It may also be determined by the provisions of the substantive law or procedural rules, which may relieve the party from presenting evidence on the fact alleged, i.e., presumptions, judicial notice, and admissions.”<sup>68</sup>

In this case, the Court finds that the CSC failed to discharge its **burden of proof** by the required evidentiary threshold, i.e., substantial evidence, to hold Alonzo administratively liable for serious dishonesty, falsification of official document, and conduct prejudicial to the best interest of the service.

To recall, the CSC charged and found Alonzo administratively liable for serious dishonesty, falsification of official document, and conduct prejudicial to the best interest of the service in connection with the declarations he made in his PDS respecting his tertiary education. The CSC claimed that Alonzo allegedly deliberately misrepresented in his PDS that he is a graduate of AB Economics from ACC when he knew for a fact that he is not. To support these charges, the prosecution submitted in evidence the following documents: (i) Alonzo’s January 24, 2005 and April 21, 2005 PDS’s; (ii) letter-reply of Villote to the CSCRO-8’s request for verification of Alonzo’s TOR stating that “no record as graduate of the college in AY 1999-2000;”<sup>69</sup> and (iii) checklist and grade sheets for 1<sup>st</sup> and 2<sup>nd</sup> semesters of AYs 1997-1998 and 1998-1999, 1<sup>st</sup> semester of AY 1999-2000, and summer 1998 and 1999 of the ACC.<sup>70</sup>

An examination of these pieces of evidence showed that: (a) Alonzo stated in his PDS that he graduated from ACC with an AB Economics Degree in 1999; (b) even though ACC has found no record of him graduating from there for the declared period. Moreover, the evidence also established that

<sup>67</sup> *De Leon v. Bank of the Philippine Islands*, 721 Phil. 839, 848 (2013) [Per J. Del Castillo, Second Division].

<sup>68</sup> *See Fernandez v. People of the Philippines*, G.R. No. 249606, July 6, 2022 [Per J. Zalameda, First Division].

<sup>69</sup> *Rollo*, pp. 113-114.

<sup>70</sup> *Id.* at 138-140.

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Alonzo was in possession of a TOR, the contents of which contradicted with those of the official records of ACC. Finally, these facts likewise ostensibly established the alleged falsification of Alonzo's TOR. Since Alonzo submitted the TOR in support of his promotion, there arose the presumption that he was the author of the falsification. Consequently, there was a *prima facie* case of serious dishonesty, falsification of official document, and conduct prejudicial to the best interest of the service against Alonzo. At this point, the burden shifted to Alonzo to present evidence sufficient to overthrow the *prima facie* case against him.

Confronting the allegations against him, Alonzo asserted that (i) his scholastic records may have been misplaced due to the total revamp of the college, (ii) there was no formal inventory of records/documents of students from the previous administration and staff to the present, and (iii) several records were lost/missing when ACC's Registrar's Office was ransacked by unidentified persons per the report made to the police on November 2, 2003 by the previous registrar. To support his defense, Alonzo submitted the following documents in evidence: (a) photocopy of his TOR issued by ACC containing the signatures of Ma. Marly (prepared by), Elizar (checked by), and Ma. Marly (Registrar); (b) Affidavit of Elizar; (c) photocopy of the Affidavit of Ma. Marly stating that: she was ACC's school registrar from 1992 to 2005, Alonzo's TOR was prepared and issued in the registrar's official course of duty, some of the school records are lost, and the new administration took over the records without proper inventory; and (d) photocopy of the extract blotter issued by the PNP, indicating the alleged ransacking of ACC records office.<sup>71</sup>

A scrutiny of these pieces of evidence disclosed that: (a) the TOR Alonzo submitted together with his PDS was prepared and signed, among others, by Ma. Marly, the then sitting registrar of ACC; and (b) Ma. Marly confirmed the authenticity and due execution thereof in the course of official duty. Additionally, the evidence indicated that several scholastic and student records of ACC were lost and not duly inventoried and accounted for by the school's new administration. Since Alonzo's explanations and narrations were duly supported by documentary and testimonial evidence, the *prima facie* case of dishonesty, falsification of official document, and prejudicial conduct against him were sufficiently overturned, thereby shifting the burden of evidence back to the prosecution.

Lamentably for the CSC, it failed to overcome this shifted burden of evidence as it did not present any evidence to clearly and convincingly impugn the authenticity and due execution of the TOR that was established by Alonzo's evidence, including the testimony of Ma. Marly. The CSC likewise failed to present any evidence to controvert the ransacking incident as reported to the PNP, as well the absence of proper accounting and turnover of records

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<sup>71</sup> *Id.* at 138.



to ACC's new administration, which purportedly resulted in the discrepancy between Alonzo's TOR and the records currently available with ACC.

Since the CSC failed to overcome the shifted burden of evidence against it, it likewise failed to discharge its burden to prove Alonzo's administrative liability by substantial evidence. Consequently, the administrative complaint against Alonzo must be dismissed.

In addition to the foregoing reasons, it bears mentioning that under the circumstances, it appears that Alonzo relied in good faith on the contents of his TOR.

Dishonesty has been defined as "intentionally 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."<sup>72</sup> It is also understood to imply 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>73</sup>

Moreover, it is held that "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 petitioner, 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.*"<sup>74</sup>

Case law provides the following acts as comprising serious dishonesty: "(a) causing serious damage and grave prejudice to the government; (b) directly involving property, accountable forms or money for which respondent is directly accountable and the respondent shows an intent to commit material gain, graft and corruption; (c) exhibiting moral depravity on the part of the respondent; (d) involving a Civil Service examination. [sic] irregularity or fake Civil Service eligibility such as, but not limited to, impersonation, cheating and use of crib sheets; (e) committed several times or in various occasions; (f) committed with grave abuse of authority; (g) *committed with fraud and/or falsification of official documents relating to respondent's employment*; and (h) other analogous circumstances. . . ."<sup>75</sup>

<sup>72</sup> *Wooden v. Civil Service Commission*, 508 Phil. 500, 511-512 (2005) [Per J. Austria-Martinez, *En Banc*]; citations omitted. See also *Serrano v. Fact-Finding Investigation Bureau*, G.R. No. 219876, October 13, 2021 [Per J. Lazaro-Javier, First Division].

<sup>73</sup> *Id.* at 512; citations omitted.

<sup>74</sup> *Id.*; citations omitted.

<sup>75</sup> *Serrano v. Fact-Finding Investigation Bureau*, *supra* note 72.

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Conduct prejudicial to the best interest of the service, on the other hand, is said to consist of any act that would tarnish the image and integrity of their public office.<sup>76</sup> These include misappropriation of public funds, abandonment of office, failure to report back to work without prior notice, failure to safekeep public records and property, making false entries in public documents, and falsification of court orders.<sup>77</sup>

In this case, it bears reiterating that the CSC failed to present sufficient evidence to prove that Alonzo falsified the TOR he submitted to support his application for promotion. Neither can Alonzo be charged with dishonesty for declaring in his PDS that he graduated with a degree of AB Economics from ACC considering that, as the records bear out, he simply reflected therein what is apparent in his TOR. Since there was neither sufficient proof that Alonzo committed dishonesty nor falsified his TOR, there can neither be any basis to hold him liable for conduct prejudicial to the best interest of the service. Accordingly, the CSC failed to convincingly show that Alonzo committed administrative liability to warrant his dismissal from the service.

**ACCORDINGLY**, the Court resolves to **PARTIALLY GRANT** the Petition for Review on *Certiorari*. The Amended Decision dated November 13, 2019 and the Resolution dated October 22, 2020 of the Court of Appeals in CA-G.R. SP No. 08286 are hereby **AFFIRMED WITH MODIFICATION**. The Formal Charge against Alonzo as well as the Order for his dismissal are hereby **NULLIFIED**.

**SO ORDERED.**



**ANTONIO T. KHO, JR.**

Associate Justice

**WE CONCUR:**



**MARVIC M. V. F. LEONEN**

Senior Associate Justice



**AMY C. LAZARO-JAVIER**

Associate Justice



**MARIO Y. LOPEZ**

Associate Justice

<sup>76</sup> *Maristela v. Mirasol*, G.R. No. 241074, August 22, 2022 [Per J. J. Lopez, Second Division].

<sup>77</sup> *Id.*, citing *Office of the Ombudsman-Visayas v. Castro*, 759 Phil. 68 (2015) [Per J. Brion, Second Division].



**JHOSEP LOPEZ**  
Associate Justice

### ATTESTATION


I attest 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.



**MARVIC M.V.F. LEONEN**  
Senior Associate Justice  
Chairperson, Second Division

### CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, 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.



**ALEXANDER G. GESMUNDO**  
Chief Justice