



Republic of the Philippines
Supreme Court
Manila

EN BANC

CIVIL SERVICE COMMISSION,
Complainant,

A.M. No. SCC-08-11-P

Present:

SERENO, C.J.,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,
ABAD,
VILLARAMA, JR.,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE, and
LEONEN, JJ.

-versus-

ISMAEL A. HADJI ALI, Court
Stenographer I, Shari'a Circuit Court,
Tubod, Lanao del Norte [Formerly
A.M. No. 04-9-03-SCC] (Re: Formal
Charge by the Civil Service
Commission vs. Ismael A. Hadji Ali,
Court Stenographer I, Shari'a Circuit
Court, Tubod, Lanao del Norte)
Respondent.

Promulgated:
JUNE 18, 2013

X-----X

RESOLUTION

PER CURIAM:

Before the Court is an administrative case for Dishonesty against respondent Ismael A. Hadji Ali, Court Stenographer I at the Shari'a Circuit

Court of Tubod, Lanao del Norte.

In connection with the respondent's appointment as Court Stenographer I at the Tubod, Lanao del Norte Shari'a Circuit Court, Arturo SJ. Panaligan, Director II of the Civil Service Commission (referred here as the CSC) Field Office at the Supreme Court, sent a formal request on September 12, 2001 to Macybel Alfaro-Sahi, Director IV of the CSC Regional Office No. IX at Cabantagan, Zamboanga City, for the confirmation of respondent's civil service eligibility. Respondent had represented that he took and passed the Civil Service Professional Examination held on May 11, 2001 in Zamboanga City (referred here as the test).¹ The director received the following reply:²

Dear **Director Panaligan**:

This refers to your request for verification of the Career Service (Professional) eligibility of **Mr. ISMAEL A. HADJI ALI**, taken on May 11, 2000.

A perusal of the Picture Seat Plan (Copy enclosed for your reference) of the room where he took the examination reveals that his picture and signature are different from the one appearing in the Personal Data Sheet (PDS) attached to your request.

We therefore, do not confirm Mr. Hadji Ali's eligibility and shall take appropriate legal action against him.

Very truly yours,
(Sgd.)
MACYBEL ALFARO-SAHI
Director IV

On July 6, 2004, respondent was charged with Dishonesty:³

FORMAL CHARGE

Sir:

After thorough preliminary investigation, this Office finds that a *prima facie* case of **Dishonesty** exists against you, committed as follows:

That you (true Ismael A. Hadji Ali), knowingly and unlawfully allowed somebody else to take the 11 May 2000 Career Service Examination (Professional) through the Computer-Assisted Test given in Zamboanga City, for and in your behalf,

¹ *Rollo*, p. 34.

² *Id.* at 35.

³ *Id.* at 2.

as shown in the attached machine copies of the Picture Seat Plan used during the aforesaid examination and your Personal Data Sheet accomplished on 22 February 2000.

CONTRARY TO CIVIL SERVICE LAW AND RULES.

X X X X

(Sgd.)
ROGELIO C. LIMARE
Director IV

The CSC furnished the Office of the Chief Justice (referred here as OCJ) with a copy of the formal charge docketed as CSC Administrative Case No. D-04-15.

In a 1st Indorsement dated August 31, 2004, the OCJ referred the formal charge to the Office of the Court Administrator (referred here as OCA) for appropriate action.⁴ The OCA docketed the charge as Administrative Matter No. 04-9-03-SCC, or *Civil Service Commission v. Ismael A. Ali*, and required respondent to file a Comment.⁵

In lieu of a Comment, respondent filed before the OCA a copy of the Answer⁶ that he had submitted to the CSC Regional Office No. IX. He requested that it be treated as his Comment in Administrative Matter No. 04-9-03-SCC.⁷

Respondent denied he allowed another person to take the Civil Service Examination in his behalf. He insisted he himself took the test and obtained a passing grade of 86.76%. He pointed out that the test was supervised by CSC personnel and that before he was allowed to take the test, a supervisor had received and checked his written application and supporting documents that included his identification photographs. While he admitted that his Personal Data Sheet contained his true photo, he insinuated that his “true” photo on the Picture Seat Plan for the test had been replaced with that of another person’s.⁸ He argued that the CSC was already estopped from questioning his Civil Service eligibility as it had confirmed and approved his appointment as Court Stenographer I.⁹

⁴ Id. at 1.

⁵ Id. at 5.

⁶ Id. at 7-10.

⁷ Id. at 6.

⁸ Id. at 8.

⁹ Id. at 8-9.

On the Recommendation of the OCA,¹⁰ the Court referred the case to the Executive Judge of the Regional Trial Court of Zamboanga City for investigation, report, and recommendation. The Court further instructed the Executive Judge to require the CSC Regional Office No. IX to submit a report on its investigation in CSC Administrative Case No. D-04-15.¹¹

Executive Judge Reynerio G. Estacio (referred here as Judge Estacio) set hearings on September 25, 2007; October 30, 2007; and November 27, 2007. Incidentally, he reported that the CSC no longer conducted an investigation in CSC Administrative Case No. D-04-15 on jurisdictional grounds.¹² During the hearings, Atty. Fitzgerald Robert Tan and Noemi Cunting of the CSC Regional Office No. IX appeared and testified for the CSC. Despite notice, respondent failed to appear.¹³

On June 30, 2008, the Court received Judge Estacio's Report and Recommendation.¹⁴ The investigating judge found substantial evidence for respondent's dismissal from the service. He stated:

x x x x

It is clear that the picture of the person and signature appearing on the Picture Seat Plan (Exhibit "A," *Rollo*, p. 35) do not resemble the picture and signature of the respondent as appearing in his Personal Data Sheet (Exhibit "B" and "B-3," *Rollo*, pp. 36-37). And the respondent does not really dispute this fact more so, in light of his allegation and which respondent would want us to believe that the picture pasted on the Picture Seat Plan must have been replaced by someone who wanted him removed. However, the undersigned has carefully examined the Picture Seat Plan, particularly the picture appearing on the space provided for the respondent, and found no indication whatsoever that the same has been tampered. As with the pictures of other examinees pasted thereon, the picture pasted on the space provided for the respondent, was found by the undersigned, neatly intact.

According to Ms. Cunting, the Chief of the Examination Services Division, the examinees are the ones who paste their respective pictures on the Picture Seat Plan (TSN, November 27, 2007, p. 8). Before they allow them to take the examination, they have to accomplish among others, the attendance sheet and the picture seat plan and they have to paste their respective pictures on the Picture Seat Plan (TSN, November 27, 2007, pp. 5-6).

The conclusion therefore, [sic] is inescapable that contrary to the respondent's assertion that it was he who took the subject examination, it was someone else who took the subject

¹⁰ Id. at 18.

¹¹ Id. at 19.

¹² Id. at 90-91.

¹³ Id. at 90.

¹⁴ Id. at 90-94.

examination for him. And it is significant to note that even the signature affixed on the Examinee Attendance Sheet (*Rollo*, p. 27) and on the Picture Seat Plan (Exhibit “A”), is strikingly different from the respondent's signature affixed on his Personal Data Sheet (Exhibit “B” and “B-1”). The respondent never contested this finding. And he cannot now pretend that he was not given the opportunity to examine the questioned documents. He was notified of the scheduled hearings to afford him the opportunity to examine for himself the subject Picture Seat Plan, but as earlier stated, despite notice, he failed to appear, thereby bolstering his desperate position on the matter of the finding of the Civil Service Commission that the picture appearing and the signature affixed on the Picture Seat Plan are not really his and the conclusion that someone else (not the respondent) took the subject examination. The respondent even failed to point to anyone who could have been so excessively interested in his position that he or she had to resort to framing him up.

That there might have been mixing up of the pictures and signatures of the examinees, or that respondent might have submitted the wrong picture as he would also want to impress, was unlikely in light of the strict procedures observed by the supervising Civil Service Commission officials during examination. Thus, in *Cruz and Paitim v. CSC* (G.R. No. 144[4]64, November 27, 2001), the Hon. Supreme Court sustained the findings of the Civil Service Commission regarding the procedures being observed during examinations:

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 picture submitted and affixed on the Picture Seat Plan (CSC Resolution No. 95-3694, Obedencio, Jaime A.) The examiners carefully compare the appearance of each of the examinees with the person in the picture submitted and affixed on the PSP. In cases where the examinee does not look like the person in the picture submitted and attached on the PSP, the examiner will not allow the said person to take the examination (CSC Resolution No. 95-5195, Taguinay, Ma. Theresa).¹⁵

The Court referred the Report and Recommendation to the OCA for evaluation.¹⁶ In a Memorandum¹⁷ dated October 3, 2008, then Court Administrator Jose P. Perez made a separate appreciation of the evidence on record and agreed with the findings and recommendation of the investigating judge.¹⁸

¹⁵ Id. at 92-93.

¹⁶ Id. at 104.

¹⁷ Id. at 106-110.

¹⁸ Id. at 108.

We accept the recommendation of the Executive Judge and the OCA.

The distinct differences between respondent's identification photos and signatures on his Personal Data Sheet and the Picture Seat Plan for the test give rise to the reasonable conclusion that another person had taken the Civil Service Examination in respondent's behalf.

Unfortunately for respondent, his claim that his "true" photo on the Picture Seat Plan was replaced subsequently carries no persuasive weight. As the OCA noted, he failed to submit evidence to substantiate this claim. Thus, the claim remains speculative and also unlikely. The investigating judge observed no indication that the Picture Seat Plan had been tampered with. We consider also that respondent offered no motive for unknown persons to meddle with his Civil Service eligibility.

As Judge Estacio pointed out, the incident in the present case is not new. In *Civil Service Commission v. Zenaida T. Sta. Ana*,¹⁹ the Court found that Sta. Ana, Court Stenographer 1 at the Municipal Circuit Trial Court of Quezon-Licab, Nueva Ecija, had taken and passed the Career Service Professional Examination Computer Assisted Test on September 16, 1998 when, in fact, someone else had taken the test for her. Sta. Ana's administrative case arose when the CSC found out that her photo and signature on her Personal Data Sheet were different from those on the Picture Seat Plan. As with respondent, Sta. Ana sought to explain the disparity by saying that an unknown person had replaced her photo on the Picture Seat Plan. The Court rejected this explanation for the following reason:

x x x However, this Court agrees with the observation of the executive judge that the irregularity should not be attributed to the CSC which had no motive in tampering with such documents. Even if such irregularity was attributable to error or oversight, respondent did not present any proof that it occurred during the examination and, thus, the CSC officials who supervised the exam enjoyed the presumption of regularity in the performance of their official duty. Besides, for the CSC to commit such a mistake – mixing up the pictures and signatures of examinees – was unlikely due to the strict procedures it follows during civil service examinations.²⁰

Thus, we dismissed Sta. Ana from the service for Dishonesty.

Respondent's representation that he himself took the Civil Service Examination when someone else took it for him constitutes Dishonesty. It bears noting that per CSC Memorandum Circular No. 15, Series of 1991, the

¹⁹ 450 Phil. 59 (2003).

²⁰ Id. at 67-68.

use of spurious Civil Service eligibility constitutes Dishonesty, among others:

An 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.²¹

Time and again, we have stated that Dishonesty is a malevolent act that has no place in the judiciary. No other office in the government service exacts a greater demand for moral righteousness from an employee than a position in the judiciary.²²

Respondent failed to observe the strict standards and behavior required of an employee in the judiciary. He has shown his unfitness for public office. Under the Civil Service Rules, Dishonesty is a grave offense punishable by dismissal that carries the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits [except leave credits pursuant to Rule 140, Section 11 (1)] and disqualification from re-employment in the government service.²³

WHEREFORE, respondent **ISMAEL A. HADJI ALI** is found guilty of Dishonesty. He is **DISMISSED** from the service with forfeiture of retirement and other benefits, except accrued leave credits, and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned and controlled corporations.

SO ORDERED.


MARIA LOURDES P. A. SERENO
Chief Justice

²¹ *Civil Service Commission v. Cayobit*, 457 Phil. 452, 460 (2003).

²² *See Momongan v. Sumayo*, A.M. No. P-10-2767, April 12, 2011, 648 SCRA 26, 30; *Retired Employee, MTC, Sibonga, Cebu v. Mamubag*, A.M. No. P-10-2833, December 14, 2010, 638 SCRA 86, 89-90; *Anonymous v. Curamen*, A.M. No. P-08-2549, June 18, 2010, 621 SCRA 212, 218-219; *Re: Spurious Certificate of Eligibility of Tessie G. Quires, Regional Trial Court, Office of the Clerk of Court, Quezon City*, 523 Phil. 21, 23 (2006); *Disapproved Appointment of Maricel A. Cubijano, Court Stenographer III, RTC-Br. 28, Lianga, Surigao del Sur*, 504 Phil. 517, 520 (2005).

²³ *Civil Service Commission v. Zenaida T. Sta. Ana*, supra note 20, at 69.



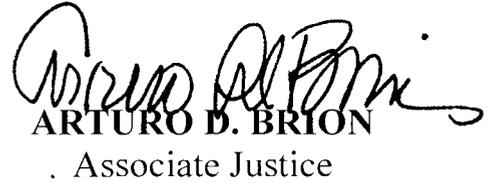
ANTONIO T. CARPIO
Associate Justice



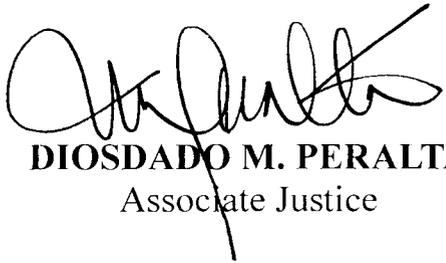
PRESBITERO J. VELASCO, JR.
Associate Justice



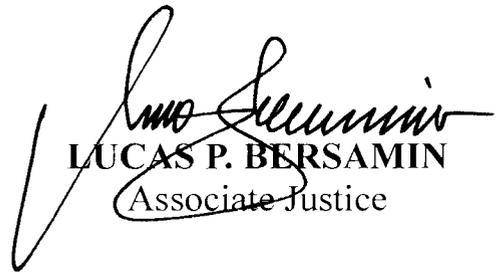
TERESITA J. LEONARDO-DE CASTRO
Associate Justice



ARTURO D. BRION
Associate Justice



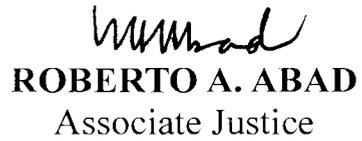
DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice

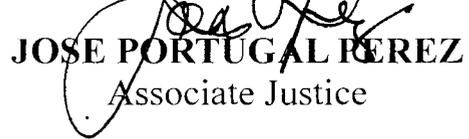


ROBERTO A. ABAD
Associate Justice

*No part. Acted on matter
as Court Adm.*



MARTIN S. VILLARAMA, JR.
Associate Justice



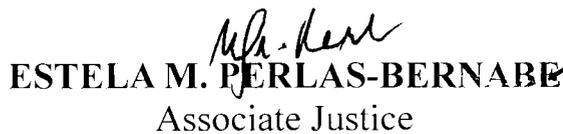
JOSE PORTUGAL PEREZ
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO L. REYES
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC MARIO VICTOR F. LEONEN
Associate Justice

