



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated September 7, 2022, which reads as follows:*

**“G.R. No. 252045 (Civil Service Commission vs. Divina R. Manito).** — Assailed in this Petition for Review on *Certiorari*<sup>1</sup> is the Decision<sup>2</sup> dated March 15, 2019 and the Resolution<sup>3</sup> dated January 24, 2020 of the Court of Appeals (CA) in CA-G.R. SP No. 09675 which reversed the Decision No. 150411<sup>4</sup> dated June 18, 2015 and the Resolution No. 1501180<sup>5</sup> dated September 28, 2015 of the Civil Service Commission (CSC) and accordingly exonerated respondent Divina R. Manito (Manito) from the administrative offenses of Serious Dishonesty, Falsification of Official Document, and Conduct Prejudicial to the Best Interest of the Service.

**Antecedent Facts**

This case stemmed from a Formal Charge<sup>6</sup> filed by the CSC Regional Office (CSCRO) No. VIII for Serious Dishonesty, Falsification of Official Document, and Conduct Prejudicial to the Best Interest of the Service against Manito.

On December 29, 2004, Manito was issued a promotional appointment as Police Officer III (PO III) under temporary status.<sup>7</sup> Pursuant to her promotion, Manito submitted a Personal Data Sheet (PDS)<sup>8</sup> indicating

<sup>1</sup> *Rollo*, pp. 31-56.

<sup>2</sup> *Id.* at 57-66. Penned by Associate Justice Dorothy P. Montejo-Gonzaga and concurred in by Associate Justices Gabriel T. Ingles and Edward B. Contreras.

<sup>3</sup> *Id.* at 67-70. Penned by Associate Justice Dorothy P. Montejo-Gonzaga and concurred in by Associate Justices Gabriel T. Ingles and Carlito B. Calpatura.

<sup>4</sup> *Id.* at 96-103. Penned by Commissioner Nieves L. Osorio and concurred in by Commissioner Robert S. Martinez.

<sup>5</sup> *Id.* at 104-109. Penned by Commissioner Nieves L. Osorio and concurred in by Commissioner Robert S. Martinez.

<sup>6</sup> *Id.* at 267-268.

<sup>7</sup> *Id.* at 190-191.

<sup>8</sup> *Id.* at 137-140. Dated June 15, 2004. See also *rollo*, p. 98.

that she graduated from Abuyog Community College (ACC), Abuyog, Leyte, where she completed the course of Bachelor of Arts Major in Economics (AB Economics).<sup>9</sup> This promotional appointment was disapproved by the CSC Field Office on the ground that Manito failed to meet the eligibility requirement for the position. The disapproval was appealed by the Philippine National Police (PNP) Police Regional Office VIII. The CSC then verified Manito's scholastic records with the ACC. In his letter-certification<sup>10</sup> dated February 27, 2006, ACC Registrar Asuncion M. Villote (Registrar Villote), as noted and signed by Dean Dioscoro O. Angelia, informed the CSC that after thorough examination of office records, it was discovered that Manito was only enrolled at ACC for the first semester of 1998-1999.<sup>11</sup> Registrar Villote also confirmed that Manito's name does not appear in the grade sheets for mostly all the subjects supposedly taken by her during her enrollment at ACC. This is an indication that she never took various subjects required for the completion of the AB Economics course. It was also noted that the grade sheets should be the basis for the grades listed in the transcript of records (TOR). In its Order No. 060173<sup>12</sup> dated August 23, 2006, CSCRO No. VIII denied the PNP's appeal and affirmed the disapproval of Manito's appointment as PO III.

Thereafter, on September 10, 2008, Manito was issued a permanent appointment as PO III.<sup>13</sup> Manito then submitted her PDS<sup>14</sup> and a photocopy of her ACC transcript of records declaring, again, that she was a graduate of ACC, having completed the AB Economics course therein. Thereafter, the CSC filed a Formal Charge<sup>15</sup> dated May 31, 2010 against Manito for Serious Dishonesty, Falsification of Official Document, and Conduct Prejudicial to the Best Interest of the Service due to Manito's misrepresentation of her scholastic credentials.<sup>16</sup> The CSCRO VIII also recalled her permanent appointment.<sup>17</sup>

Manito denied the charges against her and insisted that she had graduated from ACC. Manito pointed out that the transcript submitted was verified as genuine and authentic by the testimonies of the signatories thereto, former ACC Registrar Maria Marly Acedo-Tisado (Former Registrar Acedo-Tisado)<sup>18</sup> and former ACC Dean Elizar P. Tisado (Former Dean Tisado).<sup>19</sup> Both former ACC officials expressed that vital records of ACC may have been lost or misplaced due to two possibilities: *first*, lack of proper turn-over of ACC's documents to their successors; and *second*, the transfer of ACC to a new location.<sup>20</sup> Former Dean Tisado also attested to the

<sup>9</sup> Id. at 186.

<sup>10</sup> Id. at 266.

<sup>11</sup> Id. at 286.

<sup>12</sup> Id. at 144-146.

<sup>13</sup> Id. at 177-178.

<sup>14</sup> Id. at 186-189. Dated August 1, 2008.

<sup>15</sup> Id. at 267-268.

<sup>16</sup> Id. at 15-16. As culled from the CA Decision.

<sup>17</sup> Id. at 154-155.

<sup>18</sup> Id. at 156.

<sup>19</sup> Id. at 282.

<sup>20</sup> Id. at 154 and 156.

fact of Manito's graduation, explaining that Manito was her student in Philosophy.<sup>21</sup> Manito averred that the absence of her name in the grade sheets is not an absolute indicator that the TOR was spurious considering that it is a possibility that the grade sheets were merely misplaced/inaccurate.<sup>22</sup>

### **CSCRO Ruling**

In its Decision<sup>23</sup> dated March 26, 2013, the CSCRO found Manito administratively liable for Serious Dishonesty, Falsification of Official Document, and Conduct Prejudicial to the Best Interest of Service and was meted the penalty of dismissal with all its accessory penalties. The decretal portion of the Decision reads:

**WHEREFORE**, Divina R. Manito, Police Officer II of the Philippine National Police Regional Office No. VIII, Palo, Leyte is hereby found guilty of the administrative offenses of Serious Dishonesty, Falsification of Official Document and Conduct Prejudicial to the Best Interest of Service. Accordingly, the penalty of dismissal from the government service with all its accessory penalties imposed upon her.<sup>24</sup>

The CSCRO held that the absence of Manito's name in the grade sheets would indicate that she never took the subjects indicated in her TOR. Hence, the logical presumption is that the TOR submitted by Manito was false and spurious. In misrepresenting and altering her educational background, Manito prejudiced the public service as it was deprived of the services of a competent and qualified police officer.<sup>25</sup>

Manito moved for reconsideration, which was denied by the CSC in its Resolution<sup>26</sup> dated September 13, 2013. Aggrieved, Manito appealed<sup>27</sup> to the CSC.

### **Ruling of the CSC**

In its Decision<sup>28</sup> dated June 18, 2015, the CSC affirmed the Decision of the CSCRO. The CSC held that considering that the school itself cannot attest to the authenticity of Manito's TOR, said document is considered spurious and the person in possession thereof and who benefitted therefrom shall be presumed to be the forger. According to the CSC, Manito failed to disprove the evidence showing that her credentials were false and the fact that she is not a baccalaureate degree holder. The CSC further held that Manito's submission of the spurious TOR is a conduct prejudicial to the best

<sup>21</sup> Id. at 156.

<sup>22</sup> Id. at 154 and 156.

<sup>23</sup> Id. at 283-298. Penned by Acting Director III Rowin P. Rifios.

<sup>24</sup> Id. at 298.

<sup>25</sup> Id. at 15-16. As culled from the CA Decision.

<sup>26</sup> Id. at 130-133.

<sup>27</sup> Id. at 150.

<sup>28</sup> Id. at 96-103.

interest of the service since it paved the way for the appointment of a non-qualified personnel in the service. The CSC also explained that Manito is indeed guilty of Falsification of Official Document considering that the accomplishment of the PDS is a requirement for employment in the government, thus, making an untruthful statement therein warrants the dismissal from service of the employee concerned even in the first offense. The dispositive portion of the CSC Decision reads:

**WHEREFORE**, the appeal (treated as Petition for Review) of Divina R. Manito, Police Officer II, Philippine National Police Regional Office No. VIII, Palo, Leyte, is hereby **DISMISSED**. The Decision No. 13-0019 dated March 26, 2013 of the Civil Service Commission Regional Office (CSCRO) No. VIII finding her guilty of the administrative offenses of Serious Dishonesty, Falsification of Official Document and Conduct Prejudicial to the Best Interest of the Service and imposing upon her the penalty of dismissal from the service with all the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits (except terminal leave benefits and personal contributions to the GSIS, if any), perpetual disqualification from reemployment in the government service and bar from taking any Civil Service examinations, is **AFFIRMED**.

Copies of this Decision shall be furnished the CSCRO No. VIII, Government Service Insurance System (GSIS), the Commission on Audit (COA) and Integrated Records Management Office (IRMO), this Commission for their information and appropriate action.<sup>29</sup>

Manito moved for reconsideration,<sup>30</sup> which was denied by the CSC in its Resolution<sup>31</sup> dated September 28, 2015. The dispositive portion of the CSC Resolution reads:

**WHEREFORE**, the Motion for Reconsideration of Divina R. Manito, Police Officer II, Philippine National Police Regional Office No. VIII, Palo, Leyte, is hereby **DENIED**. Accordingly, CSC Decision No. 150411 dated June 18, 2015, which affirmed Decision No. 13-0019 dated March 26, 2013 of the Civil Service Commission Regional Office (CSCRO) No. VIII, finding her guilty of the administrative offenses of Serious Dishonesty, Falsification of Official Document and Conduct Prejudicial to the Best Interest of the Service, and imposing upon her the penalty of dismissal from the service with all the accessory penalties, **STANDS**.

Copies of this Resolution shall be furnished the PNP Retirement System and COA Resident Auditor-PNP.<sup>32</sup>

Hence, Manito filed a Petition for Review with Prayer for the Issuance of Writ of Temporary Restraining Order and Writ of Preliminary Injunction<sup>33</sup> before the CA.

<sup>29</sup> Id. at 103.

<sup>30</sup> Id. at 134-136.

<sup>31</sup> Id. at 104-109.

<sup>32</sup> Id. at 109.

<sup>33</sup> Id. at 71-94.

### **Ruling of the Court of Appeals**

In its Decision<sup>34</sup> dated March 15, 2019, the CA granted the petition and held that there was no substantial evidence to prove that Manito is guilty of the administrative offenses charged against her. The CA ruled that Manito's TOR is not spurious, primarily relying on the testimonies of the signatories thereto who attested to the TOR's genuineness and authenticity. The CA found that the TOR is positive evidence that Manito completed her AB Economics degree at ACC. The CA did not give credence to the certification issued by Registrar Villote since it did not establish that the TOR was fabricated as it merely attested to the fact that Manito's transcript does not appear in the records. Hence, the CA ruled that the CSC failed to present any substantial evidence to prove the falsity of the TOR. The dispositive portion of the CA Decision reads:

**WHEREFORE**, in view of the foregoing, the instant petition is **GRANTED**. The *Decision No. 150411* dated on 18 June 2015 and *Resolution No. 1501180* dated 28 September 2015 of the Civil Service Commission are **REVERSED** and **SET ASIDE**.

**SO ORDERED.**<sup>35</sup>

Dissatisfied, the CSC moved for reconsideration,<sup>36</sup> which was denied by the CA in its Resolution<sup>37</sup> dated January 24, 2020. The CA further held that Manito is entitled to reinstatement and the payment of her salaries and emoluments.

Hence, this Petition.<sup>38</sup>

### **The Petition and the Comment**

The CSC, through the Office of the Solicitor General (OSG), argued that there is substantial evidence that Manito committed the administrative offenses considering the unexplained inconsistencies between the TOR and the grade sheets, the latter indicating that Manito never took/completed most of the subjects indicated in her TOR. The CSC pointed out that the affidavits of the purported former ACC officials presented by Manito to testify on the genuineness and authenticity of the TOR were not substantiated by any evidence except for the questioned TOR itself. In addition, the statement of the affiants that ACC's records may have been lost or misplaced is speculative considering that ACC was able to produce the grade sheets for the school years 1998-1999 and 2000-2001, some of which even containing the name of Manito.

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<sup>34</sup> Id. at 57-66.

<sup>35</sup> Id. at 65.

<sup>36</sup> Id. at 160-172.

<sup>37</sup> Id. at 67-70.

<sup>38</sup> Id. at 31-56.

In her Comment,<sup>39</sup> Manito reiterated that she graduated from ACC, a fact supported and established by the affidavits of the former registrar and Dean, whose tenure in office supposedly coincided with the college stint of Manito. Manito further averred that the grade sheets relied upon by the CSC in disapproving her appointment are private documents not authenticated in the proceedings before the CSC, which, thus, makes these documents inadmissible in evidence.

The sole issue for the Court's resolution is whether Manito is guilty of the administrative offenses of Serious Dishonesty, Falsification of Official Document, and Conduct Prejudicial to the Best Interest of Service.

We find the petition meritorious as there exists substantial evidence to hold Manito administratively liable for Serious Dishonesty, Falsification of Official Document, and Conduct Prejudicial to the Best Interest of Service.

In Rule 45 petitions, the review of the Court is limited to questions of fact. However, in cases where the CSC and the CA made conflicting findings, the Court may review the contradictory factual findings with the end view of arriving at the correct appreciation of the evidence on record.<sup>40</sup> The resolution of the sole issue in this case is anchored upon the factual issue of whether the CSC's findings that Manito failed to complete her baccalaureate degree of AB Economics at ACC are supported by substantial evidence. In the instant case, considering the conflicting findings of the CSC and the appellate court, We find it apt to thoroughly review the records of the case.

In administrative proceedings, only substantial evidence, *i.e.*, that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion, is required.<sup>41</sup> 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.<sup>42</sup> The absence of substantial evidence is not shown by stressing that there is contrary evidence on record, whether direct or circumstantial, for the appellate court cannot substitute its own judgment or criteria for that of the trial court in determining wherein has the weight of evidence or what evidence is entitled to belief.<sup>43</sup> In appealed administrative cases, therefore, all the appellate court has to do is to find out if the decision of the administrative agency is supported by substantial evidence.<sup>44</sup>

With these parameters in mind, We find the disapproval of Manito's promotional appointment to PO III justified. The CSC's findings that Manito

<sup>39</sup> Id. at 373-394.

<sup>40</sup> *Civil Service Commission vs. Rodriguez*, G.R. No. 248255, August 27, 2020.

<sup>41</sup> *Suriaga vs. Dela Rosa-Bala*, G.R. No. 238191, August 28, 2019; and *Jallorina vs. Taneo-Regner*, 686 Phil. 285, 291 (2012).

<sup>42</sup> *Jallorina vs. Taneo-Regner*, *supra* at 291.

<sup>43</sup> See *Barcelona vs. Lim*, 734 Phil. 766, 792-793 (2014).

<sup>44</sup> Id.

did not finish her AB Economics degree at ACC is supported by substantial evidence. Hence, the CA erred in setting aside the CSC's Decision.

Indubitably, pursuant to National Police Commission Resolution No. 2002-034,<sup>45</sup> as amended, the promotional appointment of Manito as PO III, either under temporary or permanent status, requires the completion of a baccalaureate degree. In this case, the CA, in reversing and setting aside the findings of the CSC and accordingly absolving Manito of the administrative offenses, held that the letter-certification of Registrar Villote did not establish that Manito's TOR was fabricated as it merely expressed that Manito's TOR does not appear in their records. In the same vein, the CA explained that the absence of Manito's name in the grade sheets does not necessarily mean that Manito fabricated her scholastic records as it is a possibility that the pertinent grade sheets were just misplaced or lost.

We disagree with the findings of the CA.

A cursory review of the letter-certification readily shows that aside from Manito, it also included the names of other persons whose academic records were also verified with the ACC. For these other persons, Registrar Villote expressed that ACC had "**no record**" that they graduated from ACC. However, this was not a declaration similarly made for the case of Manito. Verily, such letter-certification categorically declared that Manito was only enrolled at ACC for the first semester of academic year 1998-1999. In addition, it is noticeable how the grade sheets, which were supposedly the basis for the grades in her TOR, are very much inconsistent with those indicated in the TOR. Apart from the absence of Manito's name in several grade sheets for various subjects which were nevertheless reflected in her TOR with corresponding grades, the following irregularities are quite notable: (i) the subjects Logics (*Philo II*) and Principles of Management (*Mgt I*) appeared twice in her TOR, specifically under the first semesters of school years 1998-1999 and 2000-2001; (ii) for Mgt I, the grade sheets revealed that the subject was not taken during the academic year 1998-1999 and for the academic year 1999-2000, the grade sheet shows that Manito dropped the subject; and (iii) under the grade sheet for Philo II, Manito's grade is 2.0 but the TOR reflected 2.1.

To counter the letter-certification and the inconsistencies in the grade sheets, Manito presented the affidavit of Former Registrar Acedo-Tisado and Former Dean Tisado who both served ACC for the common years of 1993 until 2005. They attested that they have personal knowledge of Manito's graduation in 2001, explaining that they are familiar with students who enrolled at and graduated from ACC. They also elucidated that vital school records may have been lost or misplaced when ACC transferred to a new location. These affidavits, however, were not substantiated by evidence. Quite notably, these affidavits likewise failed to explain the glaring

<sup>45</sup> Entitled "AMENDING NAPOLCOM RESOLUTION NO. 97-218 AND IMPLEMENTING THE PROVISIONS OF SECTIONS 14, 21 AND 33 OF R.A. 8551 EFFECTIVE IMMEDIATELY." Adopted: March 26, 2002.

inconsistencies between the TOR and the grade sheets. We find this unfortunate for Manito, considering that these affidavits are insufficient to support a finding of falsity of the letter-certification issued by Registrar Villote that she was only enrolled at ACC during the first semester of 1998-1999 and/or that she completed her AB Economics course and graduated from ACC. The inconsistencies in the grade sheets and the purported TOR remained unresolved and unexplained by Manito and her witnesses.

The Court likewise finds it perplexing, if not highly suspicious, why Manito never presented her diploma, which will, once and for all, remove any and all doubts clouding her educational attainment.<sup>46</sup> To Our mind, these raised serious doubts as to the authenticity and genuineness of the TOR submitted by Manito and her claim of graduation from ACC. These are sufficient to convince Us that the TOR submitted by Manito is specious and that her declaration in her PDS that she completed her AB Economics degree at ACC is untruthful.

Even if We were to give credence to the TOR submitted by Manito, We likewise find that she had omitted in all her submitted personal data sheets her enrollment at the Divine World College of Tacloban and Cebu Doctors College of Nursing, as stated in her purported TOR. In signing her PDS, Manito made declarations that the information contained therein are true, correct, and complete. Having repeatedly omitted to include these pieces of information may likewise make her liable for dishonesty and falsification of an official document.<sup>47</sup>

With the foregoing, Manito's false statements in her PDS make the CSC's finding of administrative liability for Serious Dishonesty,<sup>48</sup> Falsification of Official Document, and Conduct Prejudicial to the Best Interest of Service<sup>49</sup> proper.<sup>50</sup>

**WHEREFORE**, the instant petition is **GRANTED**. The Decision dated March 15, 2019 and the Resolution dated January 24, 2020 of the Court of Appeals in CA-G.R. SP No. 09675 are **REVERSED** and **SET ASIDE**. The Decision No. 150411 dated June 18, 2015 and the Resolution No. 1501180 dated September 28, 2015 of the Civil Service Commission are **REINSTATED**.

<sup>46</sup> See *Civil Service Commission vs. Cutao*, G.R. No. 225151, September 30, 2020.

<sup>47</sup> See *Villordon vs. Avila*, 692 Phil. 388, 395-396 (2012).

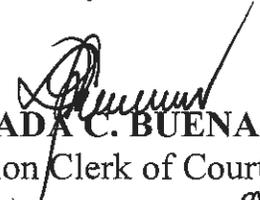
<sup>48</sup> See *Camsol vs. Civil Service Commission*, G.R. No. 238059, June 8, 2020.

<sup>49</sup> See *Civil Service Commission vs. Rodriguez*, G.R. No. 248255, August 27, 2020.

<sup>50</sup> *Villordon vs. Avila*, supra.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

**59-II**  
OCT 10 2022

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