



Republic of the Philippines  
 Supreme Court  
 Manila

SECOND DIVISION

MACARIO CATIPON, JR.,  
*Petitioner,*

G.R. No. 191787

Present:

CARPIO, *Chairperson,*  
 DEL CASTILLO,  
 PEREZ,\*  
 MENDOZA, *and*  
 JARDELEZA,\*\* *JJ.*

- versus -

JEROME JAPSON,  
*Respondent.*

Promulgated:  
 22 JUN 2015

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DECISION

**DEL CASTILLO, J.:**

This Petition for Review on *Certiorari*<sup>1</sup> seeks to set aside the December 11, 2009 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 94426 affirming the July 6, 2005 Decision<sup>3</sup> of the Civil Service Commission-Cordillera Administrative Region (CSC-CAR) in CAR-05-034DC, as well as its March 17, 2010 Resolution<sup>4</sup> denying petitioner's Motion for Reconsideration.<sup>5</sup>

***Factual Antecedents***

The facts are as follows:

Petitioner Macario U. Catipon, Jr. is the holder of a Bachelor's Degree in Commerce from the Baguio Colleges Foundation. When applying for graduation, he was allowed to join the graduation ceremonies despite a

\* Per Special Order No. 2067 dated June 22, 2015.

\*\* Per Special Order No. 2056 dated June 10, 2015.

<sup>1</sup> *Rollo*, pp. 9-30.

<sup>2</sup> *Id.* at 35-47; penned by Associate Justice Antonio L. Villamor and concurred in by Associate Justices Bienvenido L. Reyes (now a member of this Court) and Japar B. Dimaampao.

<sup>3</sup> *Id.* at 19-28.

<sup>4</sup> *Id.* at 32-33.

<sup>5</sup> *Id.* at 48-56.

deficiency of 1.5 units in Military Science, pursuant to a school policy allowing students with deficiencies of not more than 12 units to be included in the list of graduates. However, a restriction came after, which is, that the deficiency must be cured before the student can be considered a graduate.

In 1985, petitioner found employment with the Social Security System (SSS) in Bangued, Abra.

Sometime in September 1993, the personnel head of the SSS in Bangued, Abra informed petitioner that the Civil Service Commission was conducting a Career Service Professional Examination (CSPE) in October of the same year. Petitioner filed an application to take the examination, believing that the CSC still allowed CSPE applicants to substitute the length of their government service for any academic deficiency which they may have. However, the above-mentioned policy of the CSC had been discontinued since January 1993 pursuant to Civil Service Commission Memorandum Circular No. 42, Series of 1991 and Office Memo. No. 63, Series of 1992.

Nevertheless, petitioner took the CSPE tests on October 17, 1993 and obtained a rating of 80.52%. Eventually, petitioner was promoted to Senior Analyst and Officer-in-Charge Branch Head of the SSS at Bangued, Abra. In October 1995, he finally eliminated his deficiency of 1.5 units in Military Science.

On March 10, 2003, respondent Jerome Japson, a former Senior Member Services Representative of SSS Bangued, filed a letter-complaint with the Civil Service Commission-CAR Regional Director, alleging that petitioner made deliberate false entries in his CSPE application, specifically, that he obtained his college degree in 1993 when actually he graduated in 1995 only, after removing his deficiency of 1.5 units in Military Education. Also, that petitioner was not qualified to take the CSPE examination in 1993 since he was not yet then a graduate of a four-year college course, contrary to the entry in his application form.

After preliminary investigation, petitioner was charged with Dishonesty, Falsification of Official documents, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service by the CSC-CAR.<sup>6</sup>

Respondent's Letter-Complaint<sup>7</sup> against petitioner was docketed as CSC Disciplinary Administrative Case No. BB-03-006.

In his Answer,<sup>8</sup> petitioner essentially pleaded good faith, lack of malice, and honest mistake. He maintained that at the time of his application to take the CSPE, he was of the honest belief that the policy of the CSC – that any deficiency in the applicant's educational requirement may be substituted by his length of service – was still subsisting.

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<sup>6</sup> Id. at 36-37.

<sup>7</sup> CA *rollo*, pp. 50-52.

<sup>8</sup> Id. at 68-71.

On July 6, 2005, the CSC-CAR, through Director IV Atty. Lorenzo S. Danipog, rendered a Decision<sup>9</sup> containing the following pronouncements:

Clearly, respondent Catipon is not without any fault under the foregoing circumstances. The only issue now left is with respect to the particular offense for which Catipon may be held responsible. Respondent Catipon is charged (with) four offenses: Dishonesty, Falsification of Official Documents, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service.

The key document allegedly falsified in this case is the Application Form x x x of respondent Catipon for the purpose of taking the CS Professional Examination scheduled on October 17, 1993. Close and careful perusal of the said application form reveals that most of the entries filled up by respondent are typewritten. The only entries handwritten by respondent are those corresponding to “*Year Graduated*” and “*School Where Graduated*” which were answered by Macario with “1984” and “BCF” respectively. Another handwritten entry is with respect to “*Degree Finished*”, the handwritten “BSC” entry, however, was just superimposed on the typewritten “*Commerce*”.

The fact that majority of the entries or data in the application form is typewritten suggests that the said application form was consciously drafted and meticulously prepared before its actual submission to the CSC for processing. They are relevant and material entries or data sought from respondent. It is worth emphasizing however that the pre-drafted application form, considering the typewritten entries, shows respondent’s confusion on how to make entries thereat. Respondent answered both the IF YES column and IF NO column corresponding to the question “*Are you a college graduate*” in Item 8. x x x

x x x x

The manner that Item 8 was filled up by respondent Catipon shows lack of deliberate intent to defraud the government. He manifested in his application his uncertainty on how to take the fact that he only lacks 1.5 units Military Science to be conferred a graduate status, vis-à-vis the CSC policy on educational requirement. Though the entry “*undergrad*” was erased, the CSC employee who processed the application would have doubted the truthfulness and authenticity of respondent’s entries in Item 8 of the Application Form, and thus the educational status of Macario. x x x

x x x x

Catipon had tried to show the real state of the matter regarding his educational attainment as can be deduced from the manner he answered Item No. 8 in the application form. This may be taken as good faith, which will serve to mitigate any liability incurred by respondent Catipon. The premeditated intent to deceive or willfully distort the facts in this case is not present. The acts of Catipon do not even show blatant disregard of an established rule or a clear intent to violate the law if at all, there was attempt to reveal the truth to the examination division processing the application.

x x x x

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<sup>9</sup> Id. at 19-28.

With [regard] to the eligibility earned by respondent Macario in view of his passing the October 17, 1993 Career Service Professional Examination, the same needs to be revoked being the fruit of a poisonous tree, so to speak. Paragraph 2 of Sec. 6, Rule II, Omnibus Rules Implementing Book V of Executive Order No. 292 states:

Provided that when an applica[nt] for examination is found to have x x x intentionally made any false statement of any material fact in his application, x x x the Commission shall invalidate such examination x x x.

With the foregoing, respondent Macario U. Catipon, Jr., Senior Analyst and OIC Branch Head, Social Security System, Bangued, Abra, is hereby exonerated of the charges Dishonesty, Falsification of Official Documents and Grave Misconduct. However, respondent is found guilty of Conduct Prejudicial to the Best Interest of the Service.

Under the Uniform Rules on Administrative Cases in the Civil Service, the imposable penalty on the first offense of Conduct Prejudicial to the Best Interest of the Service is suspension of six months and one day to one year.

Under Section 53 of the same Rules, good faith is enumerated as one mitigating circumstance. Thus, respondent Macario Catipon, Jr. is hereby meted a penalty of six months and one day suspension, without pay, which is the minimum period of the penalty attached to the offense committed. The Career Service Professional eligibility of respondent is also ordered revoked, without prejudice however to retaking of the said examination. Thus, Catipon, after serving suspension herein provided should not be allowed to go back to his current position without CS Professional eligibility. Consequently, in case respondent Catipon fails to retake or pass CSPE, after serving his suspension, he may be demoted to any available position that fits his subprofessional eligibility.<sup>10</sup>

Petitioner moved for reconsideration,<sup>11</sup> but the CSC-CAR sustained its judgment in a March 23, 2006 Decision,<sup>12</sup> which contained the following pronouncement:

Catipon also asserted that in view of his exoneration of Dishonesty, Falsification of Official Documents and Grave Misconduct, there is no longer any basis to hold respondent guilty of Conduct Prejudicial to the Best Interest of the Service. This contention is without legal basis. In the case of Philippine Retirement Authority vs. Rupa 363 SCRA 480, the Honorable Supreme Court held as follows:

*Under the Civil Service laws and rules, there is no description of what specific acts constitute the grave offense of Conduct Prejudicial to the Best Interest of the Service.*

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<sup>10</sup> Id. at 25-28.

<sup>11</sup> Id. at 29-37.

<sup>12</sup> Id. at 39-44.

As alluded to previously in Decision No. CAR-05-034DC, Catipon is not without fault under the circumstances. To completely exonerate respondent would be inequitable and iniquitous considering the totality of events surrounding this case. Though there was no deliberate intent to falsify or to make dishonest entry in the Application Form as deduced from the manner that the said form was accomplished, the fact that there was indeed such dishonest or false entry in the CSPE Application Form is undisputedly established. In view of such an established fact, the integrity of the Civil Service Examination, particularly the CSPE has been blemished which is sufficient to constitute Conduct Prejudicial to the Interest of the Service.<sup>13</sup>

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

In a Petition for Review docketed with the CA as CA-G.R. SP No. 94426, petitioner prayed for injunctive relief and the reversal of the above CSC-CAR decision. He argued that the CSC-CAR incorrectly found him guilty of conduct prejudicial to the best interest of the service when he has been declared innocent of the charges of dishonesty, falsification of official documents, and grave misconduct; that while the Supreme Court has held that making false entries in public documents may be considered as conduct prejudicial to the best interest of the service, such act must be accompanied by deliberate intent or a willful desire to defy or disregard established rules or norms in the service;<sup>14</sup> and that with the finding that he merely committed an innocent mistake in filling up the application form for the CSPE, he may not be found guilty of conduct prejudicial to the best interest of the service.

On December 11, 2009, the CA rendered the assailed Decision denying the petition, decreeing thus:

WHEREFORE, in view of the foregoing, the instant petition is DENIED for lack of merit. The Decision [sic] of the Civil Service Commission-Cordillera Administrative Region dated July 6, 2005 and March 23, 2006 is [sic] AFFIRMED.

SO ORDERED.<sup>15</sup>

The CA held that instead of filing a petition for review directly with it, petitioner should have interposed an appeal with the Civil Service Commission (CSC), pursuant to Sections 5(A)(1), 43 and 49 of the CSC Uniform Rules on Administrative Cases,<sup>16</sup> that by filing a petition directly with it, petitioner violated

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<sup>13</sup> Id. at 43.

<sup>14</sup> Citing *Philippine Retirement Authority v. Rupa*, 415 Phil. 713 (2001).

<sup>15</sup> *Rollo*, p. 46.

<sup>16</sup> Section 5. *Jurisdiction of the Civil Service Commission Proper*. – The Civil Service Commission Proper shall have jurisdiction over the following cases:

A. Disciplinary

1. Decisions of Civil Service Regional Offices brought before it on petition for review;

the doctrine of exhaustion of administrative remedies; that petitioner's case is not exceptional as would exempt it from the application of the doctrine; that per the ruling in *Bayaca v. Judge Ramos*,<sup>17</sup> the absence of deliberate intent or willful desire to defy or disregard established rules or norms in the service does not preclude a finding of guilt for conduct prejudicial to the best interest of the service; and that petitioner did not act with prudence and care, but instead was negligent, in the filling up of his CSPE application form and in failing to verify beforehand the requirements for the examination.

Petitioner moved for reconsideration, but the CA stood its ground. Hence, the instant recourse.

### Issues

Petitioner raises the following issues for resolution:

(A)

THE COURT OF APPEALS ERRED AND GRAVELY ABUSED ITS DISCRETION WHEN IT FAILED TO REALIZE THAT GIVEN THE IMMEDIATE EFFECT OF THE SUSPENSION IMPOSED BY THE CIVIL SERVICE COMMISSION-CORDILLERA ADMINISTRATIVE REGION AGAINST THE PETITIONER, HE WAS JUSTIFIED IN SEEKING JUDICIAL RECOURSE BEFORE (THE COURT OF APPEALS);

(B)

THE COURT OF APPEALS ERRED AND GRAVELY ABUSED ITS DISCRETION WHEN IT MISAPPLIED IN THE ABOVE-ENTITLED CASE THE RULE ON PRIOR EXHAUSTION OF ADMINISTRATIVE REMEDIES;

(C)

THE COURT OF APPEALS ERRED AND GRAVELY ABUSED ITS DISCRETION WHEN IT FAILED TO CONSIDER THAT THE PETITIONER ACTED IN GOOD FAITH AND THIS NEGATES GUILT

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x x x x

Section 43. *Filing of Appeals.* – Decisions of heads of departments, agencies, provinces, cities, municipalities and other instrumentalities imposing a penalty exceeding thirty (30) days suspension or fine in an amount exceeding thirty days salary, may be appealed to the Commission Proper within a period of fifteen (15) days from receipt thereof.

In case the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the department head and finally to the Commission Proper. Pending appeal, the same shall be executory except where the penalty is removal, in which case the same shall be executory only after confirmation by the Secretary concerned.

A notice of appeal including the appeal memorandum shall be filed with the appellate authority, copy furnished the disciplining office. The latter shall submit the records of the case, which shall be systematically and chronologically arranged, paged and securely bound to prevent loss, with its comment, within fifteen (15) days, to the appellate authority.

Section 49. *Petition for Review.* – A complainant may elevate the decision of the Civil Service Regional Office dismissing a complaint for lack of a *prima facie* case before the Commission Proper through a Petition for Review within fifteen (15) days from the receipt of said decision.

<sup>17</sup> 597 Phil. 86 (2009).

FOR CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE.<sup>18</sup>

### ***Petitioner's Arguments***

In his Petition and Reply<sup>19</sup> seeking a reversal of the assailed CA dispositions and, consequently, exoneration from the charge of conduct prejudicial to the best interest of the service, petitioner argues that he was constrained to file the petition for review with the CA as his decreed six-month suspension was imminent as a consequence of the executory nature of the CSC-CAR decision; that immediate judicial intervention was necessary to “prevent serious injury and damage” to him, which is why his CA petition included a prayer for injunctive relief; that the doctrine of exhaustion of administrative remedies should not have been applied strictly in his case, given the special circumstance that his suspension would mean loss of his only source of income;<sup>20</sup> that he should be completely exonerated from the charges against him, since conduct prejudicial to the best interest of the service must be accompanied by deliberate intent or a willful desire to defy or disregard established rules or norms in the service – which is absent in his case; and that his career service professional eligibility should not be revoked in the interest of justice and in the spirit of the policy which promotes and preserves civil service eligibility.

### ***Respondent's Arguments***

In his Comment<sup>21</sup> seeking denial of the petition, respondent counters that completion of all the academic requirements – and not merely attendance at graduation rites – confers the necessary degree which qualifies a student to take the CSPE; that petitioner’s claim that he is a graduate as of 1984 is belied by his Transcript of Records<sup>22</sup> and other pieces of evidence submitted, which reflect the date of his graduation as October 1995 – or after completion of his 1.5-unit deficiency in Military Science; that petitioner cannot claim to suffer irreparable injury or damage as a result of the CSC-CAR’s Decision, which is valid and binding; that the revocation of petitioner’s eligibility is only proper, since he was then not qualified when he took the CSPE; that the CSC-CAR was correct in finding that petitioner’s act compromised the image and integrity of the civil service, which justified the imposition of a corresponding penalty; that this Court in the *Rupa* case made it clear that the act of making false entries in public documents constitutes conduct prejudicial to the best interest of the service, a grave offense punishable by suspension for six months and one day to one year for the first offense, and dismissal for the second offense; and that indeed, petitioner

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<sup>18</sup> *Rollo*, p. 22.

<sup>19</sup> *Id.* at 242-249.

<sup>20</sup> Citing *Pagara v. Court of Appeals*, 325 Phil. 66 (1996).

<sup>21</sup> *Rollo*, pp. 98-115.

<sup>22</sup> *CA rollo*, pp. 79-81.

violated the doctrines of primary jurisdiction and exhaustion of administrative remedies when he proceeded directly to the CA, instead of filing an appeal with the CSC.

### **Our Ruling**

The Court denies the Petition.

Our fundamental law, particularly Sections 2 (1) and 3 of Article IX-B, state that –

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.

Section 3. The Civil Service Commission, as the central personnel agency of the Government, shall establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service. It shall strengthen the merit and rewards system, integrate all human resources development programs for all levels and ranks, and institutionalize a management climate conducive to public accountability. It shall submit to the President and the Congress an annual report on its personnel programs.

Thus, “the CSC, as the central personnel agency of the Government, has jurisdiction over disputes involving the removal and separation of all employees of government branches, subdivisions, instrumentalities and agencies, including government-owned or controlled corporations with original charters. Simply put, it is the sole arbiter of controversies relating to the civil service.”<sup>23</sup>

In line with the above provisions of the Constitution and its mandate as the central personnel agency of government and sole arbiter of controversies relating to the civil service, the CSC adopted Memorandum Circular No. 19, series of 1999 (MC 19), or the Revised Uniform Rules on Administrative Cases in the Civil Service, which the CA cited as the basis for its pronouncement. Section 4 thereof provides:

Section 4. Jurisdiction of the Civil Service Commission. — The Civil Service Commission shall hear and decide administrative cases instituted by, or brought before it, directly or on appeal, including contested appointments, and shall review decisions and actions of its offices and of the agencies attached to it.

Except as otherwise provided by the Constitution or by law, the Civil Service Commission shall have the final authority to pass upon the removal,

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<sup>23</sup> *Cabungcal v. Mayor Lorenzo*, 623 Phil. 329, 338-339 (2009).

separation and suspension of all officers and employees in the civil service and upon all matters relating to the conduct, discipline and efficiency of such officers and employees.

As pointed out by the CA, pursuant to Section 5(A)(1) of MC 19, the Civil Service Commission Proper, or Commission Proper, shall have jurisdiction over decisions of Civil Service Regional Offices brought before it on petition for review. And under Section 43, “decisions of heads of departments, agencies, provinces, cities, municipalities and other instrumentalities imposing a penalty exceeding thirty days suspension or fine in an amount exceeding thirty days salary, may be appealed to the Commission Proper within a period of fifteen days from receipt thereof.”<sup>24</sup> “Commission Proper” refers to the Civil Service Commission-Central Office.<sup>25</sup>

It is only the decision of the Commission Proper that may be brought to the CA on petition for review, under Section 50 of MC 19, which provides thus:

Section 50. Petition for Review with the Court of Appeals. – A party may elevate a decision of the Commission before the Court of Appeals by way of a petition for review under Rule 43 of the 1997 Revised Rules of Court.<sup>26</sup>

Thus, we agree with the CA’s conclusion that in filing his petition for review directly with it from the CSC-CAR Regional Director, petitioner failed to observe the principle of exhaustion of administrative remedies. As correctly stated by the appellate court, non-exhaustion of administrative remedies renders petitioner’s CA petition premature and thus dismissible.

The doctrine of exhaustion of administrative remedies requires that “before a party is allowed to seek the intervention of the court, he or she should have availed himself or herself of all the means of administrative processes afforded him or her. Hence, if resort to a remedy within the administrative machinery can still be made by giving the administrative officer concerned every opportunity to decide on a matter that comes within his or her jurisdiction, then such remedy should be exhausted first before the court's judicial power can be sought. The premature invocation of the intervention of the court is fatal to one’s cause of action. The doctrine of exhaustion of administrative remedies is based on practical

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<sup>24</sup> It will be observed that the enumeration in Section 43 failed to include “Regional Offices”. Under Section 49, “a complainant may elevate the decision of the Civil Service Regional Office dismissing a complaint for lack of a *prima facie* case before the Commission Proper through a Petition for Review within fifteen (15) days from the receipt of said decision.” Such section mentions only “complainant”. Going by these two sections, it would appear that a respondent in a decision rendered by a Regional Office would have no recourse, because MC 19 has not given him one. It is, however, absurd to assume that decisions of Regional Offices may not be appealed at all, for then they would be superior to the Commission Proper, or the courts for that matter. Thus, it must be said that Section 43 should necessarily include the decisions of Regional Offices as appealable to the Commission Proper and, in turn, ultimately subject to judicial review.

<sup>25</sup> MC 19, Section 2(c), on Coverage and Definition of Terms.

<sup>26</sup> Should be “1997 Rules of Civil Procedure”.

and legal reasons. The availment of administrative remedy entails lesser expenses and provides for a speedier disposition of controversies. Furthermore, the courts of justice, for reasons of comity and convenience, will shy away from a dispute until the system of administrative redress has been completed and complied with, so as to give the administrative agency concerned every opportunity to correct its error and dispose of the case.”<sup>27</sup> Indeed, the administrative agency concerned – in this case the Commission Proper – is in the “best position to correct any previous error committed in its forum.”<sup>28</sup>

The CA is further justified in refusing to take cognizance of the petition for review, as “[t]he doctrine of primary jurisdiction does not warrant a court to arrogate unto itself the authority to resolve a controversy the jurisdiction over which is initially lodged with an administrative body of special competence.”<sup>29</sup> When petitioner’s recourse lies in an appeal to the Commission Proper in accordance with the procedure prescribed in MC 19, the CA may not be faulted for refusing to acknowledge petitioner before it.

We likewise affirm the CA’s pronouncement that petitioner was negligent in filling up his CSPE application form and in failing to verify beforehand the specific requirements for the CSPE examination. Petitioner’s claim of good faith and absence of deliberate intent or willful desire to defy or disregard the rules relative to the CSPE is not a defense as to exonerate him from the charge of conduct prejudicial to the best interest of the service; under our legal system, ignorance of the law excuses no one from compliance therewith.<sup>30</sup> Moreover, petitioner – as mere applicant for acceptance into the professional service through the CSPE – cannot expect to be served on a silver platter; the obligation to know what is required for the examination falls on him, and not the CSC or his colleagues in office. As aptly ruled by the appellate court:

In *Bacaya*<sup>31</sup> v. *Ramos*, the Supreme Court found respondent judge guilty of both negligence and conduct prejudicial to the best interest of the service when he issued an arrest warrant despite the deletion of the penalty of imprisonment imposed on an accused in a particular criminal case. Respondent judge in the said case claimed that the issuance of the warrant was a mistake, done in good faith and that it has been a practice in his office for the Clerk of Court to study motions and that he would simply sign the prepared order. The Supreme Court rejected his defense and stated that negligence is the failure to observe such care as a reasonably prudent and careful person would use under ordinary circumstances. An act of the will is necessary for deliberate intent to exist; such is not necessary in an act of negligence.

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<sup>27</sup> *Maglalang v. Philippine Amusement and Gaming Corporation (PAGCOR)*, G.R. No. 190566, December 11, 2013, 712 SCRA 472, 482-483.

<sup>28</sup> *PO2 Montoya v. Police Director Varilla*, 595 Phil. 507, 528 (2008).

<sup>29</sup> *Vidad v. Regional Trial Court of Negros Oriental, Branch 42*, G.R. No. 98084, October 18, 1993, 227 SCRA 271, 276.

<sup>30</sup> CIVIL CODE, Article 3.

<sup>31</sup> Should be *Bayaca*.

Here, petitioner failed to verify the requirements before filing his application to take the CSPE exam. He simply relied on his prior knowledge of the rules, particularly, that he could substitute his deficiency in Military Science with the length of his government service. He cannot lay blame on the personnel head of the SSS-Bangued, Abra, who allegedly did not inform him of the pertinent rules contained in Civil Service Memorandum Circular No. 42, Series of 1991. For, [if] he were truly a reasonably prudent and careful person, petitioner himself should have verified from the CSC the requirements imposed on prospective examinees. In so doing, he would certainly have been informed of the new CSC policy disallowing substitution of one's length of government service for academic deficiencies. Neither should petitioner have relied on an unnamed Civil Service employee's advice since it was not shown that the latter was authorized to give information regarding the examination nor that said employee was competent and capable of giving correct information. His failure to verify the actual CSPE requirements which a reasonably prudent and careful person would have done constitutes negligence. Though his failure was not a deliberate act of the will, such is not necessary in an act of negligence and, as in *Bacaya*, negligence is not inconsistent with a finding of guilt for conduct prejudicial to the best interest of the service.<sup>32</sup>

The corresponding penalty for conduct prejudicial to the best interest of the service may be imposed upon an erring public officer as long as the questioned act or conduct taints the image and integrity of the office; and the act need not be related to or connected with the public officer's official functions. Under our civil service laws, there is no concrete description of what specific acts constitute conduct prejudicial to the best interest of the service, but the following acts or omissions have been treated as such: 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; falsification of court orders; a judge's act of brandishing a gun, and threatening the complainants during a traffic altercation; a court interpreter's participation in the execution of a document conveying complainant's property which resulted in a quarrel in the latter's family; selling fake Unified Vehicular Volume Program exemption cards to his officemates during office hours; a CA employee's forging of receipts to avoid her private contractual obligations; a Government Service Insurance System (GSIS) employee's act of repeatedly changing his IP address, which caused network problems within his office and allowed him to gain access to the entire GSIS network, thus putting the system in a vulnerable state of security;<sup>33</sup> a public prosecutor's act of signing a motion to dismiss that was not prepared by him, but by a judge;<sup>34</sup> and a teacher's act of directly selling a book to her students in violation of the Code of Ethics for Professional Teachers.<sup>35</sup> In petitioner's case, his act of making false entries in his CSPE application undoubtedly constitutes conduct prejudicial to the best interest of the service; the absence of a willful or deliberate intent to falsify or make dishonest entries in his

<sup>32</sup> *Rollo*, pp. 44-46.

<sup>33</sup> See *Government Service Insurance System (GSIS) v. Mayordomo*, G.R. No. 191218, May 31, 2011, 649 SCRA 667.

<sup>34</sup> *Espiña v. Cerujano*, 573 Phil. 254 (2008).

<sup>35</sup> *Pia v. Gervacio, Jr.*, G.R. No. 172334, June 5, 2013, 697 SCRA 220.

application is immaterial, for conduct grossly prejudicial to the best interest of the service “may or may not be characterized by corruption or a willful intent to violate the law or to disregard established rules.”<sup>36</sup>

Finally, the Court cannot consider petitioner’s plea that “in the interest of justice and in the spirit of the policy which promotes and preserves civil service eligibility,” his career service professional eligibility should not be revoked. The act of using a fake or spurious civil service eligibility for one’s benefit not only amounts to violation of the civil service examinations or CSPE; it also results in prejudice to the government and the public in general. It is a transgression of the law which has no place in the public service.<sup>37</sup> “Assumption of public office is impressed with the paramount public interest that requires the highest standards of ethical conduct. A person aspiring for public office must observe honesty, candor, and faithful compliance with the law. Nothing less is expected.”<sup>38</sup>

**WHEREFORE**, the Petition is **DENIED**. The December 11, 2009 Decision and March 17, 2010 Resolution of the Court of Appeals in CA-G.R. SP No. 94426 are **AFFIRMED**.

**SO ORDERED.**

  
**MARIANO C. DEL CASTILLO**  
*Associate Justice*

WE CONCUR:

  
**ANTONIO T. CARPIO**  
*Associate Justice*  
*Chairperson*

  
**JOSE PORTUGAL PEREZ**  
*Associate Justice*

  
**JOSE CATRAL MENDOZA**  
*Associate Justice*

<sup>36</sup> *Espiña v. Cerujano*, supra note 32 at 263.

<sup>37</sup> See *Re: Complaint of the Civil Service Commission, Cordillera Administrative Region, Baguio City Against Chulyao, MCTC-Barlig, Mountain Province*, 646 Phil. 34, 44 (2010).

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

  
**FRANCIS H. JARDELEZA**  
*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.

  
**ANTONIO T. CARPIO**  
*Associate Justice*  
*Chairperson*

### CERTIFICATION

Pursuant to Section 13, Article VIII 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.

  
**MARIA LOURDES P. A. SERENO**  
*Chief Justice*

