



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

EN BANC

JOSELITO S. FONTILLA,
Complainant,

A.M. No. P-19-4024
(Formerly OCA I.P.I. No. 09-3282-P)

Present:

- versus -

PERALTA, C.J.,
PERLAS-BERNABE,*
LEONEN,
CAGUIOA,
REYES, A. JR.,
GESMUNDO,*
REYES, J. JR.,
HERNANDO,
CARANDANG,*
LAZARO-JAVIER,
INTING, and
ZALAMEDA,** JJ.

JAIME S. ALCANTARA, Clerk of
Court, Municipal Trial Court,
Midsayap, Cotabato,
Respondent.

Promulgated:

December 3, 2019

X-----X

DECISION

Per Curiam:

Dishonesty as to educational attainment and falsification of a public document are serious offenses punishable by dismissal from the service.

The Facts

Complainant Joselito S. Fontilla (Fontilla) charges respondent Jaime S. Alcantara (Alcantara), newly appointed Clerk of Court of the Municipal

* On official business.

** On official leave.

Trial Court (MTC), Midsayap, Cotabato, of dishonesty and falsification of public document in connection with his appointment as Clerk of Court.¹

In a May 2, 2006 letter-complaint, Fontilla narrated that he inquired from the Office of the Commission on Higher Education (CHED), CARAGA Administrative Region (CARAGA Region), as to the authenticity and validity of Alcantara's school records. The CHED Assistant Regional Director, Dr. Anastacio P. Martinez (Dr. Martinez), showed him the office records, which revealed that: (1) Alcantara was never enrolled and not one of the graduates of the school; and (2) the school was never granted a program on Bachelor of Arts, Major in English. Fontilla requested for a certification, but the assistant regional director declined because their procedure is to issue a certification upon request by an employer.²

On July 7, 2006, the Office of the Court Administrator (OCA) wrote the CHED, CARAGA Region and requested for confirmation on the authenticity of Alcantara's transcript of records from Southwestern Agusan Colleges.³

On August 14, 2006, the CHED, CARAGA Regional Director, Joanna B. Cuenca, replied that their records do not show that Alcantara was granted Special Order (B) (R-X) No. 121-0152, Series of 1997, and he could not have obtained a Bachelor of Arts degree, Major in English on March 28, 1996.⁴

On August 9, 2007, the OCA endorsed the letter-complaint to Alcantara for his comment.⁵ On October 22, 2007, Alcantara filed his letter-comment and denied the charges against him. He recalled his 21 years of service in the judiciary, which began in 1986 as aide. His immediate supervisor advised him to finish his education and pursue a four-year course. He heeded the advice and enrolled at Notre Dame of Midsayap College in Cotabato. However, he temporarily stopped studying due to conflict in schedule. In 1990, he re-enrolled at Southwestern Agusan Colleges, which credited the subjects he took from his previous school. He again temporarily stopped studying for two school years, 1993-1994 and 1994-1995, due to financial difficulties in supporting a family.⁶

Alcantara attached a certification and an affidavit from the president of Southwestern Agusan Colleges in his letter-comment to explain the absence of his name in the list of graduates. The certification states that:

¹ *Rollo*, p. 1.

² *Id.* at 7.

³ *Id.* at 8.

⁴ *Id.*

⁵ *Id.* at 13.

⁶ *Id.* at 18-19.

THIS IS TO CERTIFY that MR. JAIME S. ALCANTARA, of legal age[,] Filipino, married, with residence and postal address at Midsayap, Cotabato, and an incumbent Clerk of Court II, Municipal Trial Court, Midsayap, Cotabato, graduated from this institution on March 28, 1996, in Bachelor of Arts (AB) Major in English.⁷

x x x x

The affidavit declares that:

x x x x

That per records of SOUTHWESTERN AGUSAN COLLEGES, Bayugan, Agusan del Sur, Mr. JAIME S. ALCANTARA, who is currently employed as Clerk of Court II, Municipal Trial Court, Midsayap, Cotabato, graduated in BACHELOR OF ARTS (AB) [M]ajor in English, last March 28, 1996 x x x;

That due to inadvertence on the part of the school the name of Mr. Jaime S. Alcantara was not included in the Master Lists of graduates of [BACHELOR] OF ARTS (AB) [M]ajor in English which was submitted to the COMMISSION ON HIGHER EDUCATION (CHED), REGION X, Butuan City;

That being the President of SOUTHWESTERN AGUSAN COLLEGES, Bayugan, Agusan del Sur, I will coordinate with the office concerned on what should be done to rectify and include the name of Mr. Jaime S. Alcantara in the Master Lists of graduates of BACHELOR OF ARTS (AB) [M]ajor in English, on March 28, 1996 from our school, with the records of COMMISSION ON HIGHER EDUCATION (CHED) REGION X, Butuan City[.]⁸

x x x x

Alcantara further claimed that Fontilla filed the complaint with malice and revenge because the latter believed that he had something to do with his administrative case on absence without official leave (AWOL). Fontilla was dropped from the rolls of the judiciary,⁹ and may possibly deal with multiple suits due to non-remittance of monthly collections.¹⁰

On November 26, 2007, the OCA endorsed the matter to Executive Judge Lily Lydia A. Laquindanum (Judge Laquindanum) of the Regional Trial Court, Midsayap, Cotabato for discreet investigation and report.¹¹

⁷ Id. at 34.

⁸ Id. at 36.

⁹ Id. at 20, 38; *Re: Absence Without Official Leave [AWOL] of Mr. Joselito Fontilla, Clerk of Court II, Municipal Trial Court, Midsayap, North Cotabato*, A.M. No. 05-2-37-MTC, March 30, 2005.

¹⁰ Id. at 20, 39-45; *Re: Final Report on the Financial Audit Conducted at the Municipal Trial Court of Midsayap, North Cotabato*, 516 Phil. 434 (2006).

¹¹ *Rollo*, p. 49.

Letter-Report of Judge Laquindanum

On March 4, 2008, Judge Laquindanum submitted her Report¹² dated March 1, 2008, which contained an account of her interviews with various personalities.

In her interview with the employees of MTC, Midsayap, Cotabato, she gathered that: (1) they do not know exactly if Alcantara studied and in what school, but Alcantara mentioned to them that he took up a course; (2) there were times that he was absent in the office and they do not know where he went; and (3) Alcantara may have finished a course, but they were uncertain about it.¹³

On her telephone conversation with Claro G. Cortez (Cortez), President of Southwestern Agusan Colleges, she acquired the following information:

1. Alcantara was enrolled in Southwestern Agusan Colleges from 1990-1996 through distant learning arrangement. In exchange for daily school attendance, he was required to submit assignments, projects and term papers, and he took examination once a month for all his subjects. Cortez agreed to the special arrangement because Alcantara wanted to finish his education while working.¹⁴

2. Cortez assured Judge Laquindanum that Alcantara finished his course and graduated with a bachelor's degree in English. However, Alcantara was unable to submit the CHED requirements on time, so his name was probably not included in the list of graduates submitted to the CHED for the issuance of a special order. Cortez guaranteed Judge Laquindanum that Alcantara submitted all the requirements although the submission was late.¹⁵

3. Cortez mentioned that he was making arrangements with the CHED so that Alcantara would be issued a special order, and he asked to be given time until April 2008 to inform Judge Laquindanum whether a special order was issued in Alcantara's favor.¹⁶

4. In case the CHED would not issue a special order, Cortez suggested that Alcantara may cross-enroll in other schools in order to get the special order. Cortez cannot offer his school because its college closed in 2003.¹⁷

¹² Id. at 51-54.

¹³ Id. at 51.

¹⁴ Id. at 52.

¹⁵ Id.

¹⁶ Id.

¹⁷ Id.

Judge Laquindanum also interviewed Alcantara to get his side:

1. Alcantara confirmed that he studied at Southwestern Agusan Colleges from 1990 to 1996 and graduated with a Bachelor of Arts degree, Major in English.¹⁸

2. He stopped going to school in Midsayap, Cotabato because the night school did not offer all the subjects. He learned from a relative in Agusan that Southwestern Agusan Colleges offers a distant learning program. He spoke with the school president, who allowed him to enroll and agreed to a special arrangement. He was required to submit school projects and term papers, and to take examinations.¹⁹

3. He did not know why his name was not included in the list of graduates and blamed the school for it.²⁰

4. When asked for proof of enrollment, he only presented two official receipts. He could no longer locate other school documents, which were lost when he moved from one house to another.²¹

5. He has been in the judiciary for more than 20 years and would not risk his years of service had he known that he would be facing this problem, which is not of his own making.²²

Judge Laquindanum discovered that Fontilla suspected Alcantara of convincing retired MTC Judge Teresita Carreon-Llaban to declare him AWOL and to remove him from the roll of employees. Alcantara denied Fontilla's suspicion.²³

On December 16, 2009, the Court issued a Resolution²⁴ referring anew the administrative matter to Judge Laquindanum for further investigation and report.

The Formal Investigation

A preliminary hearing was conducted before trial proper. Fontilla presented three witnesses: (1) Dr. Martinez, Administrative Officer-in-Charge, CHED Assistant Regional Director, CARAGA Region;²⁵ (2) Luzvisminda Fermantes (Fermantes), Registrar, Notre Dame of

¹⁸ Id. at 52-53.

¹⁹ Id. at 53.

²⁰ Id.

²¹ Id.

²² Id.

²³ Id.

²⁴ Id. at 63-64, 68.

²⁵ Id. at 499, 500.

Midsayap College;²⁶ and (3) Leah A. Tardo (Tardo), Chief Personnel Specialist of the Examination Services Division of the Civil Service Commission (CSC), Region 12.²⁷

On May 19, 2010, Dr. Martinez testified that the CHED, CARAGA Region exercises jurisdiction over Southwestern Agusan Colleges, formerly Southern Mindanao Academy. He narrated that the CHED compels the school to apply for a special order before graduation so that the titles and degrees of the graduating students would be confirmed. The CHED requires the school to submit Form 9, containing the distribution of the courses completed in a particular curriculum program, distribution of credits earned, and remarks whether passed or failed. The school is also mandated to submit the list of graduating students, their diploma, and their National Statistics Office birth certificates. The CHED then evaluates whether the graduating students have completed all the minimum academic requirements. Once approved, the CHED would issue a special order number, which would be routed for encoding, and the Division Chief would verify and review the course status. The CHED issues a special order to the school, which then furnishes the graduating students of a certified true copy.²⁸

Dr. Martinez explained that the purpose of a special order is for a graduate to be issued a transcript of records (TOR) for employment or licensure examination purposes. He clarified that a graduating student is not considered a graduate unless issued a special order, even if he/she had attended the graduation ceremony.²⁹

Dr. Martinez confirmed that in this case, Special Order No. (B) (R-X) 121-0152, Series of 1997 was issued to 25 graduates, of whom Alcantara was not included because his name was not in the enrollment list and promotional report of the school. There is no CHED record showing that Alcantara was enrolled at Southwestern Agusan Colleges, and he issued a certification attesting to this fact.³⁰ He also observed an irregularity in Alcantara's TOR, in which the remarks "graduated with the degree of Bachelor of Arts (AB) [M]ajor in English" appeared after the words "TOR Closed."³¹

Dr. Martinez presented before the trial court the: (1) fourth year record of enrollment for Bachelor of Arts, Major in English for school year 1996-1997; (2) list of graduates of Bachelor of Arts, Major in English from Southwestern Agusan Colleges; and (3) Special Order No. (B) (R-X) 121-0152, Series of 1997.³²

²⁶ Id. at 499, 504.

²⁷ Id. at 499, 507.

²⁸ Id. at 500-502.

²⁹ Id. at 501.

³⁰ Id. at 502.

³¹ Id. at 503.

³² Id. at 501.

During cross-examination, Dr. Martinez admitted that there is a possibility that a student's name may be inadvertently omitted from the enrollment list submitted by the school to the CHED. However, this may be corrected in a reconciliation meeting between the school registrar and the CHED supervisor-in-charge. They meet every semester to reconcile the enrollment list before the CHED Regional Office would submit it to the CHED Central Office.³³

Dr. Martinez relayed that in his 15 years of service he never encountered a problem on omission of a student's name in the enrollment list except that of Southwestern Agusan Colleges. He elucidated that the 1997 record was not yet under the CARAGA Region's jurisdiction, but of Region 10. This explains why "R-X" was indicated in the special order given to Southwestern Agusan Colleges. The records of that school were submitted to the CHED, Cagayan de Oro City, and the CARAGA Regional Office began to reconcile records only in the year 2000.³⁴

On June 1, 2010, the second witness for the complainant, Fermantes, was presented. She was the registrar of Notre Dame of Midsayap College. She has been working in the registrar's office since June 1, 1980, and was appointed as school registrar on April 7, 2004. She is the records keeper of the school, and in-charge of submitting the enrollment list and promotional report to the CHED. The enrollment list contains the students' names, sex, course, year, major, and subjects officially enrolled with corresponding units. The list is submitted to the CHED one month after the first day of classes, and prepared in duplicate copies. On the other hand, the promotional report consists of the students' names as reflected in the enrollment list, subjects officially enrolled, and their final grades in each subject. The report is submitted to the CHED before or after the semester ends. The school registrar encloses an enrollment summary and endorsement to the enrollment list and promotional report for submission to the CHED.³⁵

Fermantes acknowledged that as registrar, she submits to the CHED an application for special order, and it is issued on a student once he/she has completed the CHED and the school requirements. She narrated the steps taken for the issuance of a special order. A graduating student fills out an application for graduation indicating the course and subjects enrolled. The department head of a course and/or the deans conduct an initial evaluation, which would be endorsed to the registrar's office for final evaluation. The registrar's office counterchecks the prospectus of a particular curriculum with the student's permanent records from first year to fourth year to

³³ Id. at 503.

³⁴ Id.

³⁵ Id. at 504.

determine if he/she took and passed the subjects. Once cleared, the registrar submits the necessary documents to the CHED, and the latter rechecks the documents. In the absence of error, the documents are forwarded to a supervisor with a recommendation for the issuance of a special order. The supervisor again re-assesses the documents, and if he finds no error, he/she recommends the preparation of a special order and forwards the documents to the Regional Director for approval. Once approved, the CHED informs the school so the latter can get a copy. The graduate can now request for a TOR and the special order.³⁶

Fermantes explained how a special order should be indicated in the TOR. After the last subject, it should be indicated on the next line that a student graduated of a course, the special order number, the graduation date, the purpose of the TOR, and the line closing the TOR would be placed. In Alcantara's TOR, she opined that it was improperly closed because the remarks "graduated with the degree of Bachelor of Arts [M]ajor in English at Southwestern Agusan Colleges" were placed after the closing.³⁷

Fermantes commented that it was impossible for a student who has been enrolled for many semesters to be excluded from the enrollment list. First, the registrar's office conducts internal checking from within its office down to the professors. Should there be an omission, it would have been discovered before the semester ends. Second, during the term, grading sheets were distributed to the teachers and should be returned after exam. They contain the students' names, day, time, and room. Should there be discrepancy in the grading sheets and the enrollment list, the school would inform the CHED to correct the list. Third, the school and the CHED reconcile their records.³⁸

Fermantes presented before the trial court Alcantara's school records in Notre Dame of Midsayap College, which showed that he was enrolled in the first and second semesters of 1987-1988 as AB-1 and in the first and second semesters of 1988-1989 as AB-2.³⁹

The last witness for the complainant is Tardo, who was the Chief Personnel Specialist of the Examination Services Division of the CSC, Region 12. She testified that she keeps the records of those who took and passed the civil service examination. She presented to the trial court a certification from the regional director and a list of passing and failing examinees. The documents show that a certain Jaime D. Alcantara, and not Jaime S. Alcantara, took and passed the civil service examination on July 30, 1989. While she admitted the possibility of an error on their part, she pointed out that the examinees were the ones who filled out the required information

³⁶ Id. at 505-506.

³⁷ Id. at 506.

³⁸ Id. at 506-507.

³⁹ Id. at 506.

in the picture seat plan for the July 30, 1989 civil service examination. Here, the middle initial of Jaime Alcantara was D.⁴⁰

Tardo attested that in 1989, a person must be at least 18 years old, a Filipino citizen, and a graduate of a bachelor's degree before he/she can take the civil service examination. Examinees were required to attach a photocopy of their TOR in their application for examination, but the CSC did not verify it from the issuing school because of the number of examinees. She stated that she has no personal knowledge of the documents that Alcantara submitted. She ascertained that in 1989, the CSC was strict in requesting supporting documents from examinees who applied for certain examinations. She confirmed that there were years when the CSC allowed those who have not finished a bachelor's degree to take the civil service professional examination provided that they have completed at least two years in college and have rendered at least two years of service in the government. Their experience would offset the lack of the required educational attainment. However, she could no longer recall if this was implemented in 1989.⁴¹

For the defense, Alcantara was the lone witness. He denied the accusations against him. He was appointed as Clerk of Court in 2005. He narrated that he took up Theoretical Studies in Bachelor of Science in Maritime Transportation at the Visayan Maritime Academy in Bacolod City for three years. In 1987, he enrolled at Notre Dame of Midsayap College in Cotabato, where he studied for three semesters and one summer. He stopped studying because he had already taken all the subjects offered. In 1991, he enrolled at Southwestern Agusan Colleges after learning from a relative that it was offering special arrangement to working students in the government.⁴²

Alcantara recounted that he sent several communications and went to Southwestern Agusan Colleges and the CHED, CARAGA Region to clarify his school records.⁴³

Alcantara was confronted why his TOR does not bear the signature of the school president on pages 2 to 5. He replied that he has no personal knowledge for the lack of signature as it was given to him after he requested for it.⁴⁴

Alcantara was also asked regarding the civil service examination that he took on July 30, 1989. He claimed that he was the same Jaime D. Alcantara because his middle name was Delos Santos. He has been using S as middle initial, but when he took the exam, he was told to write D. He likewise admitted that when he took the exam, he was not yet a college

⁴⁰ Id. at 507-508.

⁴¹ Id. at 508.

⁴² Id. at 509-510.

⁴³ Id. at 510-511.

⁴⁴ Id. at 511.

graduate, but his former boss encouraged him to take it because he finished second year college and was a government employee. He indicated the said facts in his civil service examination application.⁴⁵

Alcantara recalled his special arrangement at Southwestern Agusan Colleges. He reported every Saturday and Sunday only. On Saturdays, he would arrive at around 12 noon, but was later changed to 7:00 a.m. or 8:00 a.m. He was the only student with a special arrangement. He had no classes and no teachers in all the subjects he had taken. He was given assignments, paper works, and reading materials, which he would accomplish in the library. If unfinished, he would bring them home. He took three examinations every semester. He finished his AB English course in 1996, but he did not attend the graduation and did not secure a TOR because he had an outstanding financial obligations in school. He was only issued a TOR and diploma in 2005 upon his request, for his application as Clerk of Court.⁴⁶ He testified that the affidavit and the certification from the school president were personally handed to him by Cortez a day after he went to the school.⁴⁷

Alcantara presented, among other documents, (1) two official receipts from Southwestern Agusan Colleges; (2) affidavit of the president of Southwestern Agusan Colleges; (3) certification from the president of Southwestern Agusan Colleges; and (4) his TOR from Southwestern Agusan Colleges as part of his exhibits.⁴⁸

Judge Laquindanum's Investigation Report

Judge Laquindanum issued an Investigation Report⁴⁹ dated September 30, 2010, containing the following findings and conclusions:

1. Alcantara did not present a witness from Southwestern Agusan Colleges to corroborate his claim that (a) the school was authorized to conduct special classes, (b) he studied under such special arrangement, (c) he graduated from the said school, and (d) to explain the absence of his name from the enrollment list and promotional report. Judge Laquindanum found it unbelievable that no other person showed interest in the special classes.⁵⁰

2. The official receipts presented as payments to Southwestern Agusan Colleges do not represent tuition fee, but miscellaneous and other expenses.⁵¹

⁴⁵ Id. at 511-512.

⁴⁶ Id. at 512.

⁴⁷ Id. at 513.

⁴⁸ Id.

⁴⁹ Id. at 498-522.

⁵⁰ Id. at 516, 519.

⁵¹ Id. at 519.

3. Alcantara's name was not included in Southwestern Agusan Colleges' enrollment lists and promotional reports submitted to the CHED from 1991 to 1997.⁵²

4. Omission of a student's name from the enrollment list would have been discovered before the semester ends, because a reconciliation meeting between the school and the CHED was being conducted every semester to straighten out the school records.⁵³

5. Alcantara's name was not among the 25 graduates who were issued a CHED special order.⁵⁴

6. Alcantara's TOR from Southwestern Agusan Colleges was improperly closed.⁵⁵

7. Judge Laquindanum determined that it was contrary to human experience for a person eager to finish a bachelor's degree to let nine years pass before securing a TOR and only when he was applying for the position of Clerk of Court. Considering the long distance between Midsayap, Cotabato and Agusan del Sur, it was expected that he would secure a TOR after graduation to compensate his sacrifices.⁵⁶

8. The affidavit and certification from the president of Southwestern Agusan Colleges have no probative value because he was not presented as witness to testify on the said documents.⁵⁷

9. Dr. Martinez and Fermantes had sufficiently demonstrated that it was impossible for a student's name to be purposely or inadvertently omitted from the list of graduates, because of the tedious checking and rechecking of school records before the final list of graduates and special order would be released. Alcantara's name was neither in the CHED's records as having been enrolled at Southwestern Agusan Colleges in any of the semesters indicated in his TOR, nor in the list of graduates who have completed the Bachelor of Arts degree course.⁵⁸

10. Judge Laquindanum concluded that Alcantara is not a college degree holder because he has not presented sufficient evidence to overcome the testimonies of Dr. Martinez and Fermantes, and his name does not appear in the CHED's records.⁵⁹ Judge Laquindanum concluded that the special order appearing in Alcantara's TOR was falsified.⁶⁰

⁵² Id. at 516.

⁵³ Id.

⁵⁴ Id. at 517.

⁵⁵ Id.

⁵⁶ Id. at 519.

⁵⁷ Id. at 517.

⁵⁸ Id.

⁵⁹ Id. at 518-519.

⁶⁰ Id. at 517.

Judge Laquindanum elucidated that eligibility to public office must exist at the beginning and throughout the occupancy of the position. An ineligible or unqualified holder of a position has no right to retain his/her position and must be dismissed immediately after due process.⁶¹

Judge Laquindanum resolved that Alcantara has not enrolled, studied, and graduated at Southwestern Agusan Colleges. He is not a degree holder as required for his current position. He misrepresented his educational attainment to gain promotion as Clerk of Court. The information that he finished Bachelor of Arts, Major in English must have been written in his Personal Data Sheet (PDS), which was under oath when he applied for the Clerk of Court position. His misrepresentation in the PDS constitutes dishonesty by misrepresentation and falsification of a public document.⁶²

Judge Laquindanum cited Section 23, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 or the Administrative Code of 1987, which states that dishonesty and falsification of a public document are grave offenses penalized by dismissal. Section 9 of the said rules provides that dismissal carries with it cancellation of eligibility, forfeiture of leave credits and retirement benefits, and disqualification for re-employment in the government. She referred the proper penalty to be imposed to the sound discretion of the Court Administrator.⁶³

The OCA's Recommendation

On December 15, 2010, the Court referred the case to the OCA for evaluation, report and recommendation.⁶⁴ On May 12, 2011, the OCA resolved that there is no compelling reason to deviate from the findings and recommendations of Judge Laquindanum. The OCA concurred with the discussions in the Investigation Report. The OCA held that Alcantara is guilty of dishonesty and falsification of public documents and recommended his dismissal from the service, with forfeiture of all his retirement benefits, with prejudice to re-employment in the government, and without prejudice to the filing of criminal case against him.⁶⁵

The OCA delineated Alcantara's accrued leave credits. Those leave credits he earned as Clerk of Court from August 11, 2005 to present are forfeited because of his ineligibility. Those he earned from September 1, 1986 to August 10, 2005 shall be given to him as he was qualified for the occupied positions.⁶⁶

⁶¹ Id.

⁶² Id. at 520.

⁶³ Id. at 521-522.

⁶⁴ Id. at 623.

⁶⁵ Id. at 626-633.

⁶⁶ Id. at 632.

On June 22, 2011, the Court required the parties to manifest if they were willing to submit the case for decision/resolution on the basis of the pleadings/records on file.⁶⁷ Both parties were amenable to the Court's proposal.⁶⁸

The Issue Presented

Whether or not Alcantara is guilty of dishonesty and falsification of a public document.

The Court's Ruling

The Court affirms the OCA's recommendation. We also uphold Judge Laquindanum's findings and conclusions, which were arrived at after an extensive investigation.

In a case with similar facts, *De Guzman v. Delos Santos*,⁶⁹ the Court held that:

ELIGIBILITY TO PUBLIC OFFICE x x x must exist at the commencement and for the duration of the occupancy of such office; it is continuing in nature. Qualification for a particular office must be possessed at all times by one seeking it. An appointment of one deemed ineligible or unqualified gives him no right to hold on and must through due process be discharged at once.

x x x x

We recently ruled that making a false statement in a Personal Data Sheet required under Civil Service Rules and Regulations for employment in the government amounts to dishonesty and falsification of an official document which warrant dismissal from the service upon commission of the first offense. The Court reasoned that the "accomplishment of the Personal Data Sheet being a requirement under the Civil Service Rules and Regulations in connection with employment in the government, the making of an untruthful statement therein was therefore intimately connected with such employment[.] x x x"

In *Aquino v. The General Manager of the Government Service Insurance System*, this Court speaking through Associate Justice Jose B. L. Reyes ruled that misrepresentation by a government employee as to his educational attainment contained in a sworn application for civil service examination is an act of dishonesty and is expressly made a ground for disciplinary action under the Civil Service Rules. Acts of this kind, which combine both perjury and falsification of an official document, infirm a

⁶⁷ Id. at 634.

⁶⁸ Id. at 637, 651.

⁶⁹ 442 Phil. 428, 432, 436-441 (2002).

public officer's integrity and reliability, qualities that are necessarily connected with the discharge of his functions and duties.

x x x x

We have repeatedly said that persons involved in the dispensation of justice, from the highest official to the lowest clerk, must live up to the strictest standards of integrity, probity, uprightness, honesty and diligence in the public service. This Court will not tolerate dishonesty for the judiciary expects the best from all its employees who must be paradigms in the administration of justice. An employee who falsifies an official document to gain unwarranted advantage over other more qualified applicants to the same position and secure the sought-after promotion cannot be said to have measured up to the standards required of a public servant. While we commiserate with respondent who has been in the judiciary for twenty-six (26) years and who may have been simply motivated by a desire to improve his family's lot, we simply cannot condone the means resorted to which was not justified by its end. x x x

x x x x

Under the laws governing our civil service, dishonesty is classified as a grave offense the penalty of which is dismissal from the service at the first infraction. For having misrepresented the fact that he was a college graduate when in reality he was not, we are constrained to hold respondent liable for dishonesty by misrepresentation and falsification of an official document. As an accessory penalty, his retirement benefits are forfeited due to the falsehood and deceit that have marked his assumption into office, traits that are undesirable and unbecoming of a public officer or employee. With respect to accrued leave credits, there must be a distinction between credits earned prior to 10 December 1991 and those earned from 10 December 1991 to the present. Delos Santos is entitled to credits earned prior to 10 December 1991, if any, as he was employed in positions for which he was qualified. Credits earned from 10 December 1991 to the present, if any, are forfeited for the reason that his ineligibility to assume positions requiring a Bachelor's degree retroacts to the date of his appointment as Information Officer I on 10 December 1991.

Public office is a public trust. A public officer or employee does not merely have an obligation to obey and respect the law; it is his sworn duty to do so. Assumption of public office is impressed with the paramount public interest that requires the highest standards of ethical conduct. A person aspiring to public office must observe honesty, candor and faithful compliance with the law. Nothing less is expected. This ideal standard ensures that only those of known probity, competence and integrity are called to the challenge of public service. (Citations omitted)

Here, Judge Laquindanum determined that Alcantara is not a college degree holder and he misrepresented this fact in his PDS when he applied for the Clerk of Court position. The Court concurs with her findings and conclusion on dishonesty and falsification of a public document. The dishonesty is serious in nature as it affects his eligibility as Clerk of Court.

Following our ruling in *Boston Finance and Investment Corp. v. Gonzalez*,⁷⁰ we apply the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS) on the imposition of penalty.

[O]ffenses under civil service laws and rules committed by court personnel constitute violations of the [Code of Conduct for Court Personnel], for which the offender will be held administratively liable. However, considering that the CCCP does not specify the sanctions for those violations, the Court has, in the exercise of its discretion, adopted the penalty provisions under existing civil service rules, such as the RRACCS, including Section 50 thereof.⁷¹ (Emphasis and underscoring in the original)

Section 50, paragraph A, Rule 10 of the 2017 RACCS classifies serious dishonesty as a grave offense and is punishable by dismissal from the service.

WHEREFORE, premises considered, the Court finds respondent Jaime Delos Santos Alcantara **GUILTY** of serious dishonesty and falsification of a public document.

The Court imposes upon him the penalty of **DISMISSAL** from the service with **FORFEITURE** of all retirement benefits, except accrued leave credits from September 1, 1986 to August 10, 2005, and perpetual disqualification from holding public office in any branch or instrumentality of the government, including government-owned or controlled corporations.

The Office of the Court Administrator is **DIRECTED** to file the appropriate criminal charges against respondent Alcantara.

This Decision is immediately **EXECUTORY**.

SO ORDERED.



DIOSDADO M. PERALTA
Chief Justice

(On Official Business)

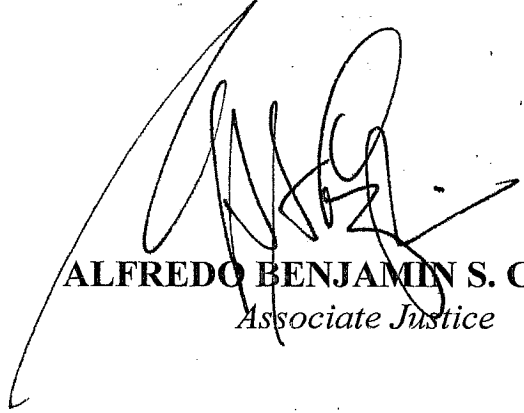
ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice

⁷⁰ A.M. No. RTJ-18-2520, October 9, 2018.

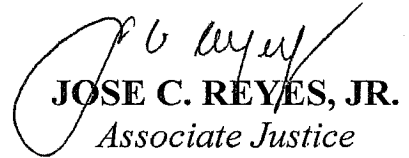
⁷¹ *Id.*



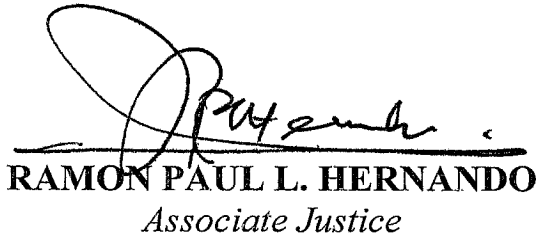
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

^{Reyes}
ANDRES B. REYES, JR.
Associate Justice

(On Official Business)
ALEXANDER G. GESMUNDO
Associate Justice

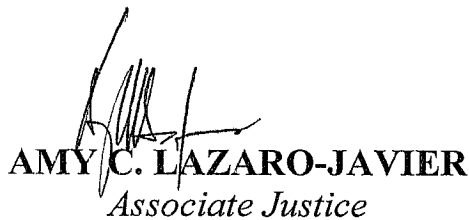


JOSE C. REYES, JR.
Associate Justice

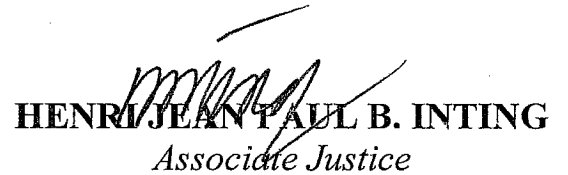


RAMON PAUL L. HERNANDO
Associate Justice

(On Official Business)
ROSMARI D. CARANDANG
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice

(On Official Leave)
RODIL V. ZALAMEDA
Associate Justice