



Republic of the Philippines
Supreme Court
Manila

EN BANC

**CONCERNED CITIZENS OF
NAVAL, BILIRAN,**
Complainants,

A.M. No. P-14-3278
[Formerly A.M. OCA IPI No. 09-3222-P]

Present:

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

- versus -

**FLORANTE F. RALAR, Court
Stenographer III, Regional Trial
Court, Branch 37, Caibiran,
Biliran,**

Promulgated:

Respondent.

October 21, 2014

x-----

J. Perlas-Bernabe
x

DECISION

PER CURIAM:

The falsification of an official document like the personal data sheet required for employment in the Judiciary is gross dishonesty, and constitutes a serious administrative offense that warrants the dismissal of the employee.

Antecedents

By an anonymous letter dated June 17, 2008,¹ the writers, self-styling themselves as the Concerned Citizens of Naval, Biliran, formally charged

¹ *Rollo*, p. 22.

Florante F. Ralar, Court Stenographer III of Branch 37 of the Regional Trial Court in Caibiran, Biliran with dishonesty through falsification of public documents.

The letter alleged that Ralar, who had been appointed as Court Stenographer III in 1998, did not state in his application for the position his having been previously employed in the Bureau of Post, later known as the Philippine Postal Corporation; that in his Civil Service Form No. 212 (*Personal Data Sheet*),² he had filled out and attached his application without stating therein that he had then been employed in that office; that all papers relative to his employment had shown his deliberate omission of his previous employment in the Bureau of Post; that a verification at Regional Office No. 08 of the Philippine Postal Corporation in Tacloban City disclosed that he had been actually employed as a Letter Carrier prior to his employment in the Judiciary, and that at that time he had been indefinitely suspended for committing mail pilferage, and had eventually been dismissed from the service for such offense;³ that his co-employees were wondering why he had been employed in the Judiciary despite his disqualification to work in the Government; that he had also been previously employed as a Revenue Collection Clerk in Naval, Biliran, in which position he had also committed misappropriation of his collections, but the matter had been settled without him being formally charged;⁴ that he had frequently indulged in gambling and drinking during office hours to the prejudice of the public service; that his notoriety had been of common knowledge in the community; that despite knowing nothing about stenography, he had obtained a falsified certification of his knowledge of stenography to secure an appointment to his present position; and that he had even asked court litigants for money in consideration of assistance extended to them in cases pending in court.

In his comment dated September 2, 2009,⁵ Ralar denied the accusation of dishonesty. He insisted that the allegations made against him were general statements that did not state causes of action and should be outrightly dismissed; that giving due course to the complaint against him despite the absence of any named complainant would violate his fundamental right to face and to confront the witnesses against him; that he admitted having been previously employed by the Philippine Postal Corporation (formerly, the Bureau of Post), and later on by the local government of Naval, Biliran; that in his pursuit and determination to earn more, particularly to ensure the education of his children, he had applied in the Judiciary, where he presently holds the position of court stenographer; that he had no knowledge of having violated any law, rules and regulations that would disqualify or render him ineligible to hold any government position; that all the allegations about his

² Id. at 25-26.

³ Id. at 2-6.

⁴ Id. at 11.

⁵ Id. at 34.

suspension and dismissal from the service for mail pilferage, use of government funds collected as Revenue Collection Clerk in the local government for his personal benefit, being recently seen in gambling and drinking places during office hours, and soliciting money from litigants, being unsubstantiated, should not be given credence.

The Office of the Court Administrator (OCA) submitted its report and recommendation dated January 19, 2010,⁶ as follows:

EVALUATION: After a careful perusal of the records on hand, this Office finds that there is sufficient basis to hold respondent Ralar guilty of the offense attributed to him.

A scrutiny of respondent Ralar's Personal Data Sheet (PDS) showed that the latter deliberately concealed the fact that he was previously charged administratively and was eventually penalized for acts of dishonesty while he was still an employee of then Bureau of Post, now Philippine Postal Corporation. To show proof that respondent Ralar was previously dismissed from government service, the Department of Transportation and Communication rendered a Decision on 20 March 1990, the dispositive portion of which reads, to wit:

PREMISES CONSIDERED, Respondent Florante F. Ralar is found guilty as charged. Taking into account the mitigating circumstance of length of service against the aggravating circumstance of being found guilty of other offenses in this case, he is ordered dismissed from the service, as recommended.

In the interest of the service, it is hereby directed that this decision be implemented immediately.

In determining the authenticity or veracity of the foregoing decision, then Deputy Court Administrator (DCA) Antonio H. Dujua, *now retired*, requested for a certified copy of the said decision. In response to such request, the National Archives of the Philippines in a Letter, addressed to DCA Dujua, provided this Office, certified copies of the said decision.

Furthermore, a close scrutiny of respondent Ralar's Personal Data Sheet (PDS) are the portions where the latter put a check mark beside the boxes indicating "No" answers, anent the questions, particularly in No. 37, letters a and b, to wit:

a. Have you ever been formally charged?; and b. Have you ever been found guilty of any administrative offense?
(italics ours)

⁶ Id. at 37-42.

To our mind, the fact that respondent Ralar affixed check marks in the “No” answer box clearly shows his intention to misrepresent himself in order to gain employment in the government. Indeed, his actuations fall squarely as an act of dishonesty. This is plain and simple.

In *Advincula v. Dicen*, the Court emphasized that the Personal Data Sheet (PDS) is an official document required of a government employee and official by the CSC. It is the repository of all information about any government employee and official regarding his personal background, qualification, and eligibility. Since truthful completion of the PDS is a requirement for employment in the judiciary, the importance of answering the same with candor need not be gainsaid. Concealment of any information in the PDS, therefore, warrants disciplinary action against the erring employee.

Anent respondent Ralar’s contentions, this Office submits that in the absence of a categorical denial on the charges against him and noting the hostile attitude manifested by respondent Ralar in his comment, this Office holds that the latter’s general denial cannot prevail over the sufficiency of the pieces of documentary evidence adduced in this case. In the first place, respondent Ralar’s general denial is considered under the rules as a negative pregnant which cannot be given credence in view of its weakness.

Verily, the complainants overcame the required burden to prove that respondent Ralar committed dishonesty while in government service. It is undisputed that substantial evidence was present in the instant case. Indeed, respondent Ralar committed the same offense while in the judiciary because of his deliberate omission to state in his personal data sheet that he was neither formally charged nor found guilty of administrative offense.

More significantly, the pieces of documentary evidence adduced are the very reason why this Office is convinced that respondent Ralar has indeed committed the offense hurled against him.

In the case of Noel G. Wabe vs. Luisita P. Bionson, Clerk of Court of Municipal Trial Court in Cities, Malaybalay City [*A.M. No. P-03-1760. December 30, 2003*], the Supreme Court held:

The Court condemns and cannot countenance any act or omission on the part of court personnel that would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the judiciary (citing, Almario v. Resus, 318 SCRA 742 (1999).)

Corollary thereto, in the case of Civil Service Commission vs. Santos Enrie Perocho, Jr., the Supreme Court ruled that:

Dishonesty, like bad faith, is not simply bad judgment or negligence. Dishonesty is a question of intention. In ascertaining the intention of a person accused of dishonesty, consideration must be taken not only of the facts and circumstances which gave rise to the act committed by the respondent, but also of his state of mind at the time the offense was committed, the time he might have had at his disposal for

the purpose of meditating on the consequences of his act, and the degree of reasoning he could have had at that moment.

The OCA recommended the dismissal of Ralar from the service with forfeiture of all retirement benefits, except his accrued leave credits, and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned and controlled corporations.⁷

Ruling

The Court finds the report of the OCA to be substantiated by the records, and adopts its recommendation in its entirety.

Ralar appeared defiant because the charge had been made anonymously. Yet, his invocation of the right to face and to confront his accusers was misplaced, for the charge was soon easily substantiated by the results of the OCA's legitimate queries put to the various offices of the public service in which he had previously served. That he committed falsification of an official document when he did not disclose in his written application for his present position his having been formally charged administratively, and having been found guilty of such charge became indisputable. His omission, being designed by him to misrepresent his qualifications for the position he sought, constituted gross dishonesty that the Court cannot tolerate. It is the State's policy to promote a high standard of ethics and utmost responsibility in the public service; and to hold all public officials and employees accountable to the people at all times. This policy demands that they discharge their duties with utmost responsibility, integrity, competence, and loyalty; act with patriotism and justice; lead modest lives; and uphold public interest over personal interest.⁸ No more essential is that policy than in the Judiciary, for no other office in the Government exacts the greatest demand for moral righteousness and uprightness from public employees and officials than the Judiciary. As such, the Judiciary deserves the best from all its employees and officials. Dishonesty and falsification – malevolent and abhorrent – have no place in the Judiciary.

Ralar was guilty of dishonesty, which is defined as the absence of integrity; the disposition to betray, cheat, deceive, or defraud; or the intentional violation of truth. Pursuant to Section 46, Rule 10 of the Revised

⁷ Id. at 42.

⁸ Section 2, Republic Act No. 6713 (*Code of Conduct and Ethical Standards for Public Officials and Employees*) provides:

Section 2. *Declaration of Policies.* — It is the policy of the State to promote a high standard of ethics in public service. Public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence, and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest.

Uniform Rules on Administrative Case in the Civil Service, dishonesty, classified as a grave offense, is penalized with dismissal for the first offense.

WHEREFORE, the Court **FINDS** and **PRONOUNCES** **FLORANTE F. RALAR**, Court Stenographer III of Branch 37, Regional Trial Court in Caibiran, Biliran, **GUILTY** of **DISHONESTY** as charged; and **DISMISSES** him from the service with forfeiture of all retirement benefits, except his accrued leave credits, with prejudice to re-employment in any branch or instrumentality of the Government, including government-owned and government-controlled corporations.

This decision is **FINAL** and **IMMEDIATELY EXECUTORY**, and no further pleadings shall be entertained.

SO ORDERED.



MARIA LOURDES P. A. SERENO

Chief Justice



ANTONIO T. CARPIO

Associate Justice

(On Leave)

PRESBITERO J. VELASCO, JR.

Associate Justice



TERESITA J. LEONARDO-DE CASTRO

Associate Justice



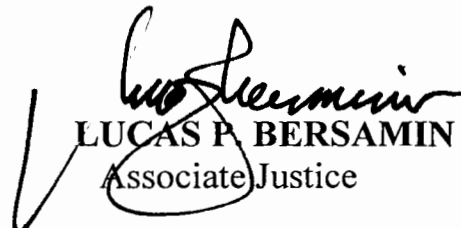
ARTURO D. BRION

Associate Justice



DIOSDADO M. PERALTA

Associate Justice



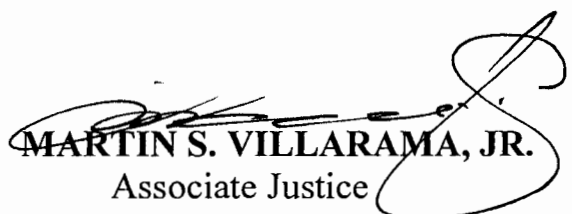
LUCAS P. BERSAMIN

Associate Justice

(On Leave)

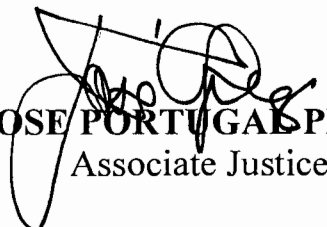
MARIANO C. DEL CASTILLO

Associate Justice




MARTIN S. VILLARAMA, JR.


Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice


BIENVENIDO L. REYES
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice