



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

OFFICE OF THE COURT
ADMINISTRATOR,

Complainant,

- versus -

SARAH P. AMPONG, COURT
INTERPRETER III, REGIONAL
TRIAL COURT OF ALABEL,
SARANGANI PROVINCE,
BRANCH 38,

Respondent.

A.M. No. P-13-3132

(Formerly A.M. No. 12-3-54-RTC)

Present:

CARPIO, J., Chairperson,
BRION,
DEL CASTILLO,
PEREZ, and
PERLAS-BERNABE, JJ.

Promulgated:

JUN 04 2014

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RESOLUTION

PERLAS-BERNABE, J.:

This administrative case arose from the letter¹ dated March 15, 2011 of Executive Judge Jaime L. Infante (Judge Infante) of the Regional Trial Court of Alabel, Sarangani Province, Branch 38 (RTC), addressed to complainant the Office of the Court Administrator (OCA),² inquiring about the employment status of respondent Sarah P. Ampong (Ampong), a Court Interpreter III of the said RTC since August 3, 1993. In the aforementioned letter, Judge Infante informed the OCA that despite Ampong's dismissal from service by the Civil Service Commission (CSC), which dismissal was affirmed by the Court, the RTC never received any official information or directive from the OCA on the matter. As such, Ampong remains employed in the RTC and has been continuously receiving all her monthly salary, benefits, allowances, and the like.

¹ Rollo, p. 10.

² Through Court Administrator Jose Midas P. Marquez.

The Facts

Sometime in August 1994, the CSC instituted an administrative case against Ampong for Dishonesty, Grave Misconduct, and Conduct Prejudicial to the Best Interest of the Service for having impersonated or taken the November 1991 Civil Service Eligibility Examination for Teachers on behalf of one Evelyn B. Junio-Decir (Decir). On March 21, 1996, after Ampong herself admitted to having committed the charges against her, the CSC rendered a resolution³ dismissing her from service, imposing all accessory penalties attendant to such dismissal, and revoking her Professional Board Examination for Teachers (PBET) rating. Ampong moved for reconsideration on the ground that when the said administrative case was filed, she was already appointed to the judiciary; as such, she posited that the CSC no longer had any jurisdiction over her. Ampong's motion was later denied, thus, prompting her to file a petition for review before the Court of Appeals (CA).⁴

On November 30, 2004, the CA denied Ampong's petition and affirmed her dismissal from service on the ground that she never raised the issue of jurisdiction until after the CSC ruled against her and, thus, she is estopped from assailing the same.⁵ Similarly, on August 26, 2008, the Court *En Banc* denied her petition for review on *certiorari* and, thus, affirmed her dismissal from service in G.R. No. 167916, entitled "*Sarah P. Ampong v. Civil Service Commission, CSC-Regional Office No. 11*"⁶ (August 26, 2008 Decision).

Notwithstanding said Decision, the Financial Management Office (FMO) of the OCA, which did not receive any official directive regarding Ampong's dismissal, continued to release her salaries and allowances. However, in view of Judge Infante's letter notifying the OCA of such situation, the FMO issued a Memorandum⁷ dated September 7, 2011 informing the OCA that starting June 2011, it had started to withhold Ampong's salaries and allowances.⁸

In her Comment⁹ dated September 25, 2012, Ampong prayed that the Court revisit its ruling in G.R. No. 167916 despite its finality because it might lead to unwarranted complications in its enforcement.¹⁰ Moreover,

³ See Resolution No. 962247 issued by Chairman Corazon Alma G. De Leon, Commissioners Ramon P. Ereneta, Jr. and Thelma P. Gaminde, and attested by Board Secretary VI Carmencita Giselle B. Dayson; rollo, pp. 34-36.

⁴ Id. at 68.

⁵ Id. at 37-38.

⁶ 585 Phil. 289 (2008).

⁷ *Rollo*, p. 9.

⁸ Id. at 69.

⁹ Id. at 60-64.

¹⁰ Id. at 69.

Among reiterated her argument that the CSC did not have any jurisdiction over the case against her.¹¹

The Action and Recommendation of the OCA

In a Memorandum¹² dated March 27, 2013, the OCA recommended that Among be found guilty of Dishonesty for impersonating and taking the November 1991 Civil Service Eligibility Examination for Teachers in behalf of Decir and, thus, be dismissed from the service on the ground that she no longer possesses the appropriate eligibility required for her position, with forfeiture of retirement and other benefits except accrued leave credits and with perpetual disqualification from re-employment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution.¹³

The OCA found that Among's act of impersonating and taking the November 1991 Civil Service Eligibility Examination for Teachers for and on behalf of another person indeed constitutes dishonesty, a grave offense which carries the corresponding penalty of dismissal from service. It added that the fact that the offense was not connected with her office or was committed prior to her appointment in the judiciary does not in any way exonerate her from administrative liability as an employee of the court.¹⁴

Further, the OCA found that Among's appointment as Court Interpreter III did not divest the CSC of its inherent power to discipline employees from all branches and agencies of the government in order to protect the integrity of the civil service. Consequently, the CSC could validly impose the administrative penalty of dismissal against her, which carries with it that of cancellation of civil service eligibility, forfeiture of retirement benefits, and perpetual disqualification for re-employment in the government service, unless otherwise provided. In this relation, the OCA emphasized that the CSC ruling effectively stripped Among of her civil service eligibility and, hence, could no longer hold the position of Court Interpreter III.¹⁵

The Issue Before the Court

The issue raised for the Court's resolution is whether or not Among had been dismissed from her employment as Court Interpreter III of the RTC.

¹¹ Id. at 70.

¹² Id. at 68-75. Signed by Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Raul Bautista Villanueva.

¹³ Id. at 75.

¹⁴ Id. at 73.

¹⁵ Id. at 70-73.

The Court's Ruling

The Court resolves the issue in the affirmative.

As the records show, in the August 26, 2008 Decision, the Court had already held Ampong administratively liable for dishonesty in impersonating and taking the November 1991 Civil Service Eligibility Examination for Teachers on behalf of Decir, *viz.*:

The CSC found [Ampong] guilty of dishonesty. It is categorized as “an act which includes the procurement and/or use of fake/spurious civil service eligibility, the giving of assistance to ensure the commission or procurement of the same, *cheating, collusion, impersonation*, or any other anomalous act which amounts to any violation of the Civil Service examination.” **[Ampong] impersonated Decir in the PBET exam, to ensure that the latter would obtain a passing mark. By intentionally practicing a deception to secure a passing mark, their acts undeniably involve dishonesty.**

This Court has defined dishonesty as the “(d)isposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray.” [Ampong’s] dishonest act as a civil servant renders her unfit to be a judicial employee. **Indeed, We take note that [Ampong] should not have been appointed as a judicial employee had this Court been made aware of the cheating that she committed in the civil service examinations. Be that as it may, [Ampong’s] present status as a judicial employee is not a hindrance to her getting the penalty she deserves.**¹⁶ (Emphases and underscoring supplied).

Notably, the Court also addressed Ampong’s misgivings on the issue of jurisdiction in the same case, *viz.*:

It is true that the CSC has administrative jurisdiction over the civil service. As defined under the Constitution and the Administrative Code, the civil service embraces every branch, agency, subdivision, and instrumentality of the government, and government-owned or controlled corporations. Pursuant to its administrative authority, the CSC is granted the power to “control, supervise, and coordinate the Civil Service examinations.” This authority grants to the CSC the right to take cognizance of any irregularity or anomaly connected with the examinations.

However, the Constitution provides that the Supreme Court is given exclusive administrative supervision over all courts and judicial personnel. By virtue of this power, it is only the Supreme Court that can oversee the judges’ and court personnel’s compliance with all laws, rules and regulations. It may take the proper administrative action against them if they commit any violation. No other branch of government may intrude

¹⁶ *Ampong v. CSC*, supra note 6, at 304.

into this power, without running afoul of the doctrine of separation of powers. Thus, this Court ruled that the Ombudsman cannot justify its investigation of a judge on the powers granted to it by the Constitution. It violates the specific mandate of the Constitution granting to the Supreme Court supervisory powers over all courts and their personnel; it undermines the independence of the judiciary.

In *Civil Service Commission v. Sta. Ana*, this Court held that impersonating an examinee of a civil service examination is an act of dishonesty. But because the offender involved a judicial employee under the administrative supervision of the Supreme Court, the CSC filed the necessary charges before the Office of the Court Administrator (OCA), a procedure which this Court validated.

A similar fate befell judicial personnel in *Bartolata v. Julaton*, involving judicial employees who also impersonated civil service examinees. As in *Sta. Ana*, the CSC likewise filed the necessary charges before the OCA because respondents were judicial employees. Finding respondents guilty of dishonesty and meting the penalty of dismissal, this Court held that “respondents’ machinations reflect their dishonesty and lack of integrity, rendering them unfit to maintain their positions as public servants and employees of the judiciary.”

Compared to *Sta. Ana* and *Bartolata*, the present case involves a similar violation of the Civil Service Law by a judicial employee. But this case is slightly different in that petitioner committed the offense **before** her appointment to the judicial branch. At the time of commission, petitioner was a public school teacher under the administrative supervision of the DECS and, in taking the civil service examinations, under the CSC. Petitioner surreptitiously took the CSC-supervised PBET exam in place of another person. When she did that, she became a party to cheating or dishonesty in a civil service-supervised examination.

That she committed the dishonest act before she joined the RTC does not take her case out of the administrative reach of the Supreme Court.

The bottom line is administrative jurisdiction over a court employee belongs to the Supreme Court, regardless of whether the offense was committed before or after employment in the judiciary.¹⁷
(Emphases in the original; citations omitted)

Pursuant to the doctrine of immutability of judgment, which states that “a decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law,”¹⁸ Ampong could no longer seek the August 26, 2008 Decision’s modification and reversal. Consequently, the penalty of dismissal from service on account of Ampong’s Dishonesty should be enforced in its full course. In line with

¹⁷ Id. at 299-301.

¹⁸ *Sangguniang Barangay of Pangasugan, Baybay, Leyte v. Exploration Permit Application (EXPA-000005-VIII) of Philippine National Oil Company*, G.R. No. 162226, September 2, 2013, 704 SCRA 446, 452.

Section 58(a)¹⁹ of the Uniform Rules on Administrative Cases in the Civil Service (URACCS), the penalty of dismissal carries with it the following administrative disabilities: (a) cancellation of civil service eligibility; (b) forfeiture of retirement benefits; and (c) perpetual disqualification from re-employment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution. Among should be made to similarly suffer the same.

To clarify, however, despite Among's dismissal on the ground of dishonesty, she should nevertheless be entitled to receive her accrued leave credits, if any, pursuant to the aforementioned provision of the URACCS, which does not include the forfeiture of the same. It is a standing rule that despite their dismissal from the service, government employees are entitled to the leave credits that they have earned during the period of their employment. As a matter of fairness and law, they may not be deprived of such remuneration, which they have earned prior to their dismissal.²⁰

It must be stressed that every employee of the Judiciary should be an example of integrity, uprightness, and honesty. Like any public servant, she must exhibit the highest sense of honesty and integrity not only in the performance of her official duties but also in her personal and private dealings with other people, to preserve the court's good name and standing. The image of a court of justice is mirrored in the conduct, official and otherwise, of the personnel who work thereat, from the judge to the lowest of its personnel. Court personnel have been enjoined to adhere to the exacting standards of morality and decency in their professional and private conduct in order to preserve the good name and integrity of the courts of justice. Here, Among failed to meet these stringent standards set for a judicial employee and does not, therefore, deserve to remain with the Judiciary.²¹

WHEREFORE, the Court **SUSTAINS** the dismissal of respondent Sarah P. Among, Court Interpreter III of the Regional Trial Court of Alabel, Sarangani Province, Branch 38, on the ground of Dishonesty. Accordingly, her retirement and other benefits are forfeited except accrued leave credits, and she is perpetually disqualified from re-employment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution, effective immediately.

¹⁹ Section 58(a) of the Uniform Rules on Administrative Cases in the Civil Service provides:

Section 58. *Administrative Disabilities Inherent in Certain Penalties.*

- a. The penalty of dismissal shall carry with it that of cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualification for re-employment in the government service, unless otherwise provided in the decision.

²⁰ See *Igoy v. Atty. Soriano*, 527 Phil. 322, 327-328 (2006).

²¹ *Clavite-Vidal v. Aguam*, A.M. No. SCC-10-13-P, June 26, 2012, 674 SCRA 470, 474-475.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson


ARTURO D. BRION
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice