



Republic of the Philippines  
**Supreme Court**  
 Manila

**FIRST DIVISION**

**TERESITA B. RAMOS,**  
 Petitioner,

**G.R. No. 241363**

Present:

*-versus-*

PERALTA, *CJ., Chairperson,*  
 CAGUIOA,  
 REYES, J., JR.,  
 LAZARO-JAVIER, and  
 LOPEZ, *JJ.*

**ANNABELLE B. ROSELL AND  
 MUNICIPALITY OF BAGANGA,  
 DAVAO ORIENTAL,**  
 Respondents.

Promulgated:

SEP 16 2020

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**D E C I S I O N**

**LOPEZ, J.:**

Before Us is a Petition for Review on *Certiorari*<sup>1</sup> filed under Rule 45 of the Rules of Court seeking to set aside the Decision<sup>2</sup> dated November 29, 2017 and Resolution<sup>3</sup> dated July 2, 2018, both of the Court of Appeals (CA) – Cagayan de Oro City in CA-G.R. SP No. 07919-MIN, which affirmed the Civil Service Commission’s (CSC) Decision<sup>4</sup> dated August 5, 2016, finding Teresita B. Ramos guilty of Serious Dishonesty, Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service, and Falsification of Official Documents.

**ANTECEDENTS**

This case stemmed from a letter dated June 7, 2012 of the CSC Field Office – Davao Oriental requesting verification of Teresita B. Ramos’ certificates of eligibility. On November 25, 2013, the CSC Regional Office

<sup>1</sup> *Rollo*, pp. 15-46.

<sup>2</sup> *Id.* at 52-60; penned by Associate Justice Ruben Reynaldo G. Roxas, with the concurrence of Associate Justices Romulo V. Borja and Oscar V. Badelles.

<sup>3</sup> *Id.* at 61-62.

<sup>4</sup> *Id.* at 140-149; penned by Commissioner Alicia dela Rosa-Bala, with the concurrence of Commissioner Robert S. Martinez, and the attestation of Director IV Dolores B. Bonifacio.

No. XI issued Spot Verification Report stating that Ramos declared in her Personal Data Sheet<sup>5</sup> (PDS) dated March 28, 2005 that she took the Career Service Sub-Professional Eligibility (CSSPE) examination on April 6, 1994 in Davao City and passed with a rating of 80.03. However, the records did not show that a career service examination was conducted on that date and that Ramos was included in the Register of Eligibles. Instead, Ramos was issued a Barangay Official Certificate of Eligibility (BOE) on April 26, 1994 in Davao City. On April 21, 2014, the CSC RO No. XI formally charged Ramos with the administrative offenses of Serious Dishonesty, Grave Misconduct, Conduct Prejudicial to the Best Interest, and Falsification of Official Documents.<sup>6</sup>

In her Answer,<sup>7</sup> Ramos admitted that she did not possess a CSSPE but only a BOE. She claimed that her supposed rating in the March 28, 2005 PDS was already deleted when she submitted another PDS (substitute PDS) to the Human Resource Management Office (HRMO) of the Municipality of Baganga. In any case, the false entries in the March 28, 2005 PDS were not used to deceive for her benefit.

On August 17, 2015, the CSC RO No. XI found Ramos guilty of the offenses and imposed upon her the penalty of dismissal from the service.<sup>8</sup> The CSC RO No. XI noted that Ramos declared in her PDS dated May 21, 1999 and March 28, 2005 that she was a CSSPE holder, thus:

All told, it cannot be denied that [Ramos] has done the dishonest act not only once but twice.

Premises considered, it is hereby declared that [Ramos] is **GUILTY** as charged and is meted the penalty of **DISMISSAL** from the service with all the accessory penalties of perpetual disqualification from entering the government service and from taking CS examinations; forfeiture of retirement benefits and cancellation of CS eligibilities.<sup>9</sup> (Emphasis in the original.)

Ramos sought reconsideration,<sup>10</sup> explaining that entries in the March 28, 2005 PDS relating to her eligibility status were made inadvertently. She reiterated that she accomplished another PDS to correct these erroneous entries, yet, the substitute PDS was not found in her 201 files brought by the HRMO during the hearing. On November 20, 2015, Ramos filed a motion to admit the substitute PDS<sup>11</sup> as newly discovered evidence.<sup>12</sup>

The CSC RO No. XI denied the motion for reconsideration in its Resolution No. 15-01204 dated December 9, 2015.<sup>13</sup> The CSC RO No. XI

<sup>5</sup> *Id.* at 66-69.

<sup>6</sup> *Id.* at 78-79.

<sup>7</sup> *Id.* at 80-88.

<sup>8</sup> *Id.* at 99-103; penned by Annabelle B. Rosell.

<sup>9</sup> *Id.* at 103.

<sup>10</sup> *Id.* at 104-110.

<sup>11</sup> *Id.* at 70-73, 114-117, 238-241.

<sup>12</sup> *Id.* at 111-112.

<sup>13</sup> *Id.* at 118-120. The dispositive portion of the Resolution reads:



noted that Ramos still wrote “CS Sub-Professional” as her eligibility in the substitute PDS. Further, the substitute PDS was not newly discovered evidence because it existed in the records of the HRMO but not produced during trial.

Unsatisfied, Ramos filed a petition for review before the CSC arguing that a BOE is equivalent to a CSSPE; hence, she should not be faulted for writing “CS Sub-Professional” as her eligibility. She insisted that the substitute PDS should be admissible in evidence.

On August 5, 2016, the CSC issued its Decision No. 160848 affirming Ramos’ guilt of the administrative charges, *viz.*:<sup>14</sup>

**WHEREFORE**, the Petition for Review of Teresita B. Ramos, Computer Operator IV, Municipal Government of Baganga, Davao Oriental, is hereby **DISMISSED**. Accordingly, Resolution No. 15-01204 dated December 9, 2015 issued by Civil Service Commission Regional Office No. XI, Davao City, affirming its Decision No. 2015-39 dated August 17, 2015 finding her guilty of Serious Dishonesty, Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service and Falsification of Official Documents is **AFFIRMED**. Ramos is hereby dismissed from the service with the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, except terminal/accrued leave benefits, and personal contributions to the GSIS, if any, perpetual disqualification from holding public office and bar from taking civil service examinations.

Copies of this Decision shall be furnished the Commission on Audit–Municipal Government of Baganga, and the Government Service Insurance System (GSIS), for their Information and appropriate action.

Quezon City.<sup>15</sup> (Emphasis in the original.)

The CSC denied Ramos’ motion for reconsideration in its Resolution<sup>16</sup> No. 1601353 dated December 5, 2016.

Aggrieved, Ramos appealed to the CA. On November 29, 2017, the CA sustained the findings and conclusion of the CSC that the substitute PDS

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**WHEREFORE**, foregoing premises considered, the motion for reconsideration filed by Teresita B. Ramos, is hereby **DENIED** for lack of merit. CSCRO XI Decision No. 2015-39 promulgated on August 17, 2015 **STANDS**.

Davao City, Philippines. *Id.* at 119. (Emphasis in the original.)

<sup>14</sup> *Supra* note 4.

<sup>15</sup> *Rollo*, p. 149.

<sup>16</sup> *Id.* at 167-171. The dispositive portion of the Resolution reads:

**WHEREFORE**, the Motion for Reconsideration of Teresita B. Ramos, Computer Operator IV, Municipal Government of Baganga, Davao Oriental, is hereby **DENIED**. Accordingly, Decision No. 160848 dated August 5, 2016 issued by Civil Service Commission, which affirmed Resolution No. 15-01204 dated December 9, 2015 and Decision No. 2015-39 dated August 17, 2015 issued by Civil Service Commission Regional Office XI (CSC RO XI), Davao City, finding her guilty of Serious Dishonesty, Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service and Falsification of Official Documents, and meting upon her the penalty of dismissal from the service with the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, except terminal/accrued leave benefits, and personal contributions to the GSIS, if any, perpetual disqualification from holding public office and bar from taking civil service examinations, **STANDS**.

Quezon City. *Id.* at 171. (Emphasis in the original.)



cannot be considered newly discovered evidence and that Ramos was guilty of the administrative charges.<sup>17</sup> Ramos sought reconsideration but was denied.<sup>18</sup>

Hence, this petition.

Ramos insists on the admissibility of the substitute PDS claiming that she exerted earnest efforts to secure a copy from the HRMO but failed. She reiterates that she did not intend to falsify her March 28, 2005 PDS because she honestly believed that a BOE is the same as a CSSPE. The false entries did not affect her eligibility for promotion or cause any damage or prejudice to the government or any party. As such, the dishonesty, if it exists, is only simple dishonesty that is punishable by suspension. Further, she cannot be held liable for grave misconduct since the act complained of is not related to the performance of her official duties; or for conduct prejudicial to the best interest of service because she did not commit any act that could tarnish the image or integrity of the public office. Lastly, the mitigating circumstances of good faith, length of service, first time offender, acknowledgement of infraction and feeling of remorse, and humanitarian considerations should be appreciated in her favor in the imposition of the penalty.

Annabelle B. Rosell, Director IV of the CSC RO No. XI, through the Office of the Solicitor General (OSG), counters that there is substantial evidence to hold Ramos liable for the administrative charges. Entries of specific details, such as eligibility, rating, and date of examination, do not arise from mere inadvertence or mistake but a determined effort to mislead and deceive. The OSG avers that the substitute PDS is not a newly discovered evidence because it could have been secured and presented during the proceedings before the CSC RO No. XI with reasonable diligence. Finally, mitigating circumstances cannot be appreciated since dismissal from service is an indivisible penalty, and hence, not susceptible to mitigation.

Meanwhile, the Municipality of Baganga filed a Manifestation and Comment<sup>19</sup> stating that it will abide by whatever judgment or award this Court may deem proper.

## ISSUES

The issues are: (1) whether the substitute PDS is admissible as a newly discovered evidence; and (2) whether Ramos is guilty of the administrative offenses of Serious Dishonesty, Grave Misconduct, Conduct Prejudicial to

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<sup>17</sup> *Supra* note 2. The dispositive portion of the Decision reads:  
**WHEREFORE**, the petition is **DENIED**. The Resolution dated 5 December 2016 of the Civil Service Commission is hereby **AFFIRMED**.

SO ORDERED. *Id.* at 60. (Emphasis in the original.)

<sup>18</sup> *Supra* note 3. The dispositive portion of the Resolution reads:  
Thus, We resolve to **DENY** petitioner's motion for reconsideration.  
SO ORDERED. *Id.* at 62. (Emphasis in the original.)

<sup>19</sup> *Id.* at 483-485.

the Best Interest of the Service, and Falsification of Official Documents.

## RULING

The petition is partly meritorious.

Prefatorily, findings of facts of the CSC are conclusive when supported by substantial evidence and are accorded due respect and weight, especially when affirmed by the appellate court. In this case, both the CSC and the CA found that Ramos declared in her March 28, 2005 PDS that she possessed a CS Sub-Professional eligibility, took the CS examination on April 6, 1994, and passed with a rating of 80.03. Ramos wrote the same eligibility in her May 21, 1999 PDS. However, records and Ramos' own admission reveal that she only possessed a Barangay Official Certificate of Eligibility issued on April 26, 1994. Accordingly, these findings of fact are conclusive and binding and shall no longer be delved into. This Court shall confine itself to the determination of the proper administrative offense chargeable against Ramos and the appropriate penalty. We shall also determine whether the substitute PDS can be considered as newly discovered evidence.

### *The substitute PDS is admissible as newly discovered evidence.*

Newly-discovered evidence may be admissible in evidence if the following requisites are present: (1) that the evidence was discovered after trial; (2) that the evidence could not have been discovered and produced at the trial even with the exercise of reasonable diligence; (3) that it is material, not merely cumulative, corroborative or impeaching; and (4) that the evidence is of such weight that, if admitted, would probably change the judgment.<sup>20</sup> It is essential that the offering party exercised reasonable diligence in seeking to locate the evidence before or during the trial but nonetheless failed to secure it.<sup>21</sup> Here, the substitute PDS meets the criteria for newly discovered evidence.

As early as in her Answer<sup>22</sup> to the formal charge issued by the CSC RO No. XI, Ramos already raised the existence of the substitute PDS claiming that she submitted a new PDS to replace the March 28, 2005 PDS. She wrote the Municipality of Baganga, Davao Oriental on October 28, 2013<sup>23</sup> to request for her 201 files, and for all her PDS submitted with the HRMO on October 20, 2014.<sup>24</sup> Unfortunately, the substitute PDS could not be found in the records of the HRMO of the Municipality of Baganga. It was only after the CSC RO No. XI issued its Decision finding Ramos guilty of the administrative charges, and after Ramos reiterated in her Motion for

<sup>20</sup> See *Kondo v. Civil Registrar General*, G.R. No. 223628, March 4, 2020.

<sup>21</sup> *De Villa v. Director, New Bilibid Prisons*, 485 Phil. 368 (2004). See also *Tumang v. Court of Appeals*, 254 Phil. 329 (1989).

<sup>22</sup> *Rollo*, pp. 80-88.

<sup>23</sup> *Id.* at 75, 90.

<sup>24</sup> *Id.* at 96.

Reconsideration<sup>25</sup> the existence of the substitute PDS, that Ramos was provided by the HRMO with a copy of the substitute PDS. In the circumstances, we are convinced that Ramos diligently searched and exerted earnest efforts to locate the substitute PDS and produce it during the administrative hearings. Most importantly, the substitute PDS is material evidence that if admitted, could have altered the decision of the CSC finding her guilty of the administrative offenses.

***Ramos is not liable for Serious Dishonesty, Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service, and Falsification of Official Documents. She is liable for simple negligence only.***

As an administrative offense, dishonesty is defined as the concealment or distortion of truth in a matter of fact relevant to one's office or connected with the performance of his duty.<sup>26</sup> It is the "disposition 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."<sup>27</sup> Dishonesty requires malicious intent to conceal the truth or to make false statements.<sup>28</sup> In short, dishonesty is a question of intention. Although this is something internal, we can ascertain a person's intention not from his own protestation of good faith, which is self-serving, but from the evidence of his conduct and outward acts.<sup>29</sup>

*Apropos* is the case of *Wooden v. Civil Service Commission*<sup>30</sup> wherein the petitioner indicated in Item No. 17 of his PDS that he finished his Bachelor of Secondary Education (BSED) from Saint Louis University with inclusive dates of attendance from 1987 to 1991 and he graduated in March 1991; and in Item No. 18, he indicated that the date of Professional Board of Examination for Teachers is 1992. His Official Transcript of Records shows, however, that he graduated with BSED degree as of March 28, 1992. The Court ruled that the petitioner committed an honest mistake of fact in answering an entry in his PDS and excused him from the legal consequences of his act.

[D]ishonesty, 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**

<sup>25</sup> *Id.* at 104-109.

<sup>26</sup> *Civil Service Commission v. Cayobit*, 457 Phil. 452, 460 (2003), citing F. Moreno, *Philippine Law Dictionary* 276 (3rd ed., 1988).

<sup>27</sup> *Villordon v. Avila*, 692 Phil. 388, 396 (2012). See also *Light Rail Transit Authority v. Salvaña*, 736 Phil. 123, 151 (2014), quoting *Office of the Ombudsman v. Torres*, 567 Phil. 46, 57 (2008), citing *Black's Law Dictionary*, 6th Ed. (1990).

<sup>28</sup> See *San Diego v. Fact-Finding Investigation Committee, OMB-MOLEO*, G.R. No. 214081, April 10, 2019.

<sup>29</sup> *Baasar v. Civil Service Commission*, 596 Phil. 858, 868 (2009), citing *Civil Service Commission v. Maala*, 504 Phil. 646 (2005).

<sup>30</sup> 508 Phil. 500 (2005).

**committed by the petitioner, 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 intent to falsify or misrepresent is inexistent at the time petitioner applied for the PBET when he indicated "March 1991" under "Date Graduated" since he in fact attended the graduation rites on March 24, 1991. Petitioner should not be faulted for his mistake or confusion in the interpretation of the term "graduated." Whether he should have indicated "May" in his PBET application should not be expected of him because his answer that he graduated "March 1991" was based on the honest belief, albeit mistaken, that once he completed his course deficiencies, which in fact he did in 1991 or several months prior to his application for the PBET, the actual conferment of the degree on him on March 24, 1991 was thereby made effective. At that point in time when he filled up his application for the PBET, the intent to deceive is absent. He was not asked when he actually completed his course; rather he was merely asked the date of his graduation.

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Petitioner should not be faulted when he wrote "1987-1991" in his PDS under "Inclusive Dates of Attendance" since he did attend the school during the given period and in fact graduated on March 24, 1991. It is an honest mistake of fact induced by no fault of his own and excuses him from the legal consequences of his act. *Ignorantia facti excusat*. To stress, petitioner was asked mainly about the inclusive dates of his attendance in SLU. The official transcript of records was issued on August 8, 1994. Understandably, it does not show the circumstances that led petitioner in giving the subject answers in his application for PBET and PDS. The transcript of records should not be made the basis for holding petitioner liable for dishonesty.

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Besides, the discrepancy in the PDS on the date of examination is susceptible of varied explanations and does not necessarily imply bad faith. The year "1992" might simply be a typographical error or petitioner might have merely indicated the date of release of the PBET. In any event, any inference of dishonest intent cannot be clearly drawn from such sole circumstance. The Court would be going far into the realm of uncertain speculation in attributing improper motives to petitioner based on such circumstance.

**A complete and wholistic view must be taken in order to render a just and equitable judgment. In deciding cases, this Court does not matter-of-factly apply and interpret laws in a vacuum. General principles do not decide specific cases. Rather, laws are interpreted always in the context of the peculiar factual situation of each case. Each case has its own flesh and blood and cannot be decided simply on the basis of isolated clinical classroom principles. The circumstances of time, place, event, person, and particularly attendant circumstances and actions before, during and after the operative fact should all be**



**taken in their totality so that the Court can rationally and fairly dispense with justice.**<sup>31</sup> (Emphasis supplied; citations omitted.)

The totality of circumstances, in this case, negates Ramos' bad faith and intent to deceive when she accomplished her May 21, 1999 and March 28, 2005 PDS, and the substitute PDS. The pertinent entries in her PDS are as follows:

Date of PDS	Eligibility	Date of Examination or Conferment	Rating
May 22, 1996 <sup>32</sup>	Brgy. Official Eligibility	April 26, 1994	Sub-Prof
May 21, 1999 <sup>33</sup>	C.S. Sub-Professional	April 6, 1994	*blank*
March 28, 2005 <sup>34</sup>	C.S. Sub-Professional	April 6, 1994	80.03
March 28, 2005 <sup>35</sup> (substitute PDS)	C.S. Sub-Professional	April 6, 1994	*blank*
April 8, 2008 <sup>36</sup>	Barangay Eligibility (Sub-professional)	April 26, 1994	None
May 2, 2011 <sup>37</sup>	Barangay Eligibility (Sub-professional)	*blank*	*blank*

The **rating of 80.03** was written in the March 28, 2005 PDS *only*, and thereafter deleted in the substitute PDS on the same day. Ramos reasoned that there were many forms to fill out then and she might have copied from her co-employees. To be sure, the submission of the substitute PDS could have cured the erroneous entry in the March 28, 2005 PDS. Unfortunately for her, the March 28, 2005 PDS was the document forwarded by the HRMO to the CSC instead of the substitute PDS. However, we cannot entirely fault her. It must be remembered that the substitute PDS was with the records of the HRMO all along. The HRMO had its own share of negligence in not submitting the corrected or updated PDS.

As to her eligibility status, Ramos explained that she wrote "**C.S. Sub-Professional**" in the May 21, 1999 PDS and March 28, 2005 PDS because she was of the impression that a BOE is equivalent to a career service eligibility. Ramos retained the "C.S. Sub-Professional" eligibility status in the substitute PDS. Further, she wrote "Sub-Prof" as her rating in the May 22, 1996 PDS.

Noteworthy is Item No. 11, Part V of CSC Memorandum Circular No. 12, s. 2003 which states that "*x x x BOE shall be considered appropriate for appointment to first level positions in the career service, except positions covered by board laws and/or those that require other special eligibilities as*

<sup>31</sup> *Id.* at 512-517.

<sup>32</sup> *Rollo*, pp. 222-223.

<sup>33</sup> *Id.* at 224-225.

<sup>34</sup> *Id.* at 234-237.

<sup>35</sup> *Supra* note 11.

<sup>36</sup> *Rollo*, pp. 230-233.

<sup>37</sup> *Id.* at 226-229.



*determined by the Commission or those that require licenses x x x.*<sup>38</sup> In the July 12, 2011 letter<sup>39</sup> of Annabelle Rosell, Director IV of the CSC, to the Municipal Mayor of the Municipality of Baganga, she stated that Ramos is qualified for the position of Computer Operator IV based on her credentials. The position required “Career Service (Subprofessional) First Level Eligibility” and CSC records show that Ramos’ eligibility is “Barangay Official Eligibility (First Level Eligibility).” These reinforce Ramos’ honest belief, albeit mistaken, that a BOE is the same as CSSPE.

Likewise, the seemingly inconsistent date of issuance of the BOE should not be taken against her. Ramos claimed that her BOE certificate had long been submitted to the HRMO in 1996. It can be observed that Ramos consistently wrote “April 6” as the date of conferment in her PDS beginning 1999. Justice and equity demand that she should be given the benefit of the doubt.

Also, there is no substantial evidence that Ramos was impelled by any corrupt or ill motive or intent to gain or profit that would constitute the offense of grave misconduct. Grave misconduct is defined as the transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer coupled with the elements of corruption, willful intent to violate the law or to disregard established rules.<sup>40</sup> Ramos repeatedly explained and stressed that the false entries on the March 28, 2005 PDS had no effect on her promotion to a higher position.

Moreover, we exonerate Ramos of the administrative offenses of conduct prejudicial to the best interest of the service and falsification of official documents. The submission of the March 28, 2005 PDS containing erroneous entries, which was later on corrected, does not constitute as conduct prejudicial to the best interest which deals with a demeanor of a public officer that “tarnished the image and integrity of his/her public office.”<sup>41</sup> Further, while making a false statement in a PDS amounts to a falsification of an official document,<sup>42</sup> we have held that laws and rules should be interpreted and applied not in a vacuum or in isolated abstraction but in light of surrounding circumstances and attendant facts in order to afford justice to all.<sup>43</sup>

Be that as it may, Ramos is liable for simple negligence. An act done in good faith, which constitutes only an error of judgment and for no ulterior motives and/or purposes, is merely simple negligence.<sup>44</sup> Simple negligence means the failure of an employee or official to give proper attention to a task

<sup>38</sup> See <http://www.csc.gov.ph/barangay-official-eligibility-boe.html>; last accessed: August 6, 2020.

<sup>39</sup> *Rollo*, pp. 444-445.

<sup>40</sup> *Fajardo v. Corral*, 813 Phil. 149, 158 (2017), citing *Office of the Ombudsman v. Apolonio*, 683 Phil. 553 (2012). See also *Civil Service Commission v. Ledesma*, 508 Phil. 569 (2005).

<sup>41</sup> *Id.* citing *Largo v. Court of Appeals*, 563 Phil. 293 (2007).

<sup>42</sup> See *Civil Service Commission v. Sta. Ana*, 435 Phil. 1 (2002).

<sup>43</sup> *Wooden v. Civil Service Commission*, *supra* note 30.

<sup>44</sup> *San Diego v. Fact-Finding Investigation Committee, OMB-MOLEO*, *supra* note 28. See also *Pleyto v. PNP-Criminal Investigation & Detection Group*, 563 Phil. 842, 910 (2007), citing *Camus v. Civil Service Board of Appeals, et al.*, 112 Phil. 301 (1961).

expected of him or her, signifying a disregard of a duty resulting from carelessness or indifference.<sup>45</sup>

Here, Ramos was negligent in filling out her PDS when she declared that she was a CSSPE holder and that she obtained a rating of 80.03 in the CS examination. She was likewise negligent when she failed to verify that the HRMO forwarded the corrected or updated PDS to the CSC. We remind Ramos that she should be more careful in filling out PDS, bearing in mind that it is an official document and hence, its contents are *prima facie* evidence of the facts stated therein.<sup>46</sup>

### ***Penalty***

Simple negligence, which is akin to simple neglect of duty,<sup>47</sup> is a less grave offense punishable with suspension without pay for one (1) month and one (1) day to six (6) months, for the first offense.<sup>48</sup>

Considering that Ramos admitted her omissions which do not appear to have been attended by bad faith or fraudulent intent and that there is nothing in the record that shows that she had committed similar infractions in the past,<sup>49</sup> this Court finds that Ramos deserves to be suspended for only one (1) month and one (1) day.<sup>50</sup> Accordingly, Ramos' reinstatement is in order as she has been out of government service since November 2, 2016<sup>51</sup>, far beyond the period for her supposed suspension.<sup>52</sup>

Ramos, however, is not entitled to backwages because she is not completely exonerated from the charges. We have held that a finding of liability for a lesser offense is not equivalent to exoneration; and, the mere reduction of the penalty on appeal does not entitle a government employee to back salaries as he was not exonerated of the charge against him.<sup>53</sup>

**FOR THESE REASONS**, the Petition for Review on *Certiorari* is **PARTLY GRANTED**. The Decision dated November 29, 2017 and Resolution dated July 2, 2018 of the Court of Appeals in CA-G.R. SP No.

<sup>45</sup> *Paduga v. Dimson*, 829 Phil. 591, 596 (2018), citing *Office of the Ombudsman v. De Leon*, 705 Phil. 26, 38 (2013), citing *Republic v. Canastillo*, 551 Phil. 987, 996 (2007).

<sup>46</sup> *Villordon v. Avila*, *supra* note 27.

<sup>47</sup> See *San Diego v. Fact-Finding Investigation Committee, OMB-MOLEO*, *supra* note 28; *Daplas v. Department of Finance*, 808 Phil. 763 (2017); *Reyes v. Cabusao*, 502 Phil. 1 (2005).

<sup>48</sup> See Section 46 (D) (1) of the Revised Rules on Administrative Cases in the Civil Service (RRACCS).

<sup>49</sup> Section 48 of the RRACCS provides, among others, that good faith and "first offense" may be considered as mitigating circumstances in the determination of the imposable penalty. The same provision states that the disciplining authority may, in the interest of justice, take and consider the circumstances *motu proprio*. See *Provincial Government of Bukidnon v. Pancrudo*, G.R. No. 239978, April 3, 2019.

<sup>50</sup> Section 49 of the RRACCS reads:

Section 49. *Manner of Imposition*. — When applicable, the imposition of the penalty may be made in accordance with the manner provided herein below:

a. The minimum of the penalty shall be imposed where only mitigating and no aggravating circumstances are present.

x x x x

<sup>51</sup> *Rollo*, p. 166.

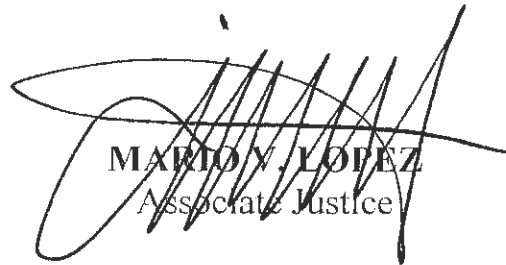
<sup>52</sup> *Alfornon v. Delos Santos, et al.*, 789 Phil. 462 (2016).

<sup>53</sup> *Id.* See also *Civil Service Commission v. Cruz*, 670 Phil. 638 (2011); *Sec. of Education, Culture and Sports v. Court of Appeals*, 396 Phil. 187 (2000); *Jucinto v. CA*, 346 Phil. 656 (1997).


07919-MIN is **SET ASIDE** and a new one is **ENTERED** finding Teresita B. Ramos **GUILTY** of **SIMPLE NEGLIGENCE**. She is sentenced to suffer the penalty of suspension of one (1) month and one (1) day.

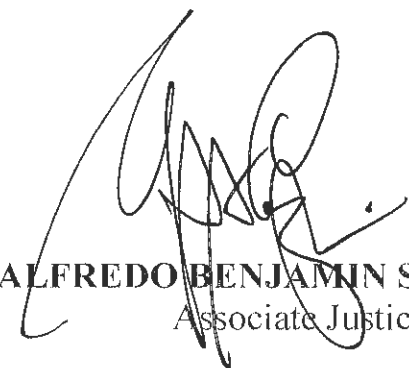
Considering that Teresita B. Ramos was dismissed from the service effective November 2, 2016 during the time that her petition for review is pending before the Court of Appeals and this Court, she is hereby immediately **REINSTATED** to her original position without loss of seniority rights and is restored of all of her rights and benefits under the law without payment of back salaries.

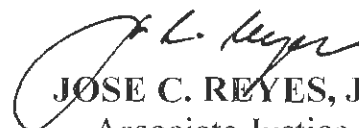
**SO ORDERED.**

  
**MARIO V. LOPEZ**  
Associate Justice

**WE CONCUR:**

  
**DIOSDADO M. PERALTA**  
Chief Justice  
Chairperson

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

  
**JOSE C. REYES, JR.**  
Associate Justice

  
**AMY C. LAZARO-JAVIER**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, 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.



**DIOSDADO M. PERALTA**  
Chief Justice