



Republic of the Philippines  
**Supreme Court**  
 Manila

SUPREME COURT OF THE PHILIPPINES  
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**EN BANC**

**OFFICE OF THE COURT  
 ADMINISTRATOR,**  
 Complainant,

**A.M. No. P-21-4104**  
*(Formerly A.M. No. 20-01-16-RTC)*

Present:

- versus -

GESMUNDO, C.J.,  
 PERLAS-BERNABE,  
 LEONEN,  
 CAGUIOA,  
 HERNANDO,  
 CARANDANG,  
 LAZARO-JAVIER,  
 INTING,  
 ZALAMEDA,  
 LOPEZ, M.,  
 GAERLAN,  
 ROSARIO, and  
 LOPEZ, J., JJ.

**CHONA R. TRINILLA,**  
 Clerk III, Branch 50,  
 Regional Trial Court,  
 Bacolod City, Negros  
 Occidental.

Respondent.

Promulgated:

July 27, 2021

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**DECISION**

***PER CURIAM:***

For the Court's resolution is a Letter<sup>1</sup> dated October 23, 2019 filed by Nelson G. Sarmiento (Sarmiento), Director IV, Civil Service Commission (CSC), Regional Office VI, referring to this Court for appropriate action the alleged impersonation of Chona R. Trinilla (Trinilla) in her civil service examination.<sup>2</sup>

<sup>1</sup> *Rollo*, pp. 3-4.

<sup>2</sup> *Id.* at 3.

In the letter, Sarmiento averred that Trinilla, a Clerk III in Branch 50, Regional Trial Court, Bacolod City, Negros Occidental, requested from the CSC Regional Office VI (Office) a certification and authentication of her Career Service (CS) Professional eligibility. Trinilla claimed that she has a CS Professional eligibility after passing the CS Professional Examination in Bacolod City on November 27, 1994.<sup>3</sup> Upon verification by the Office, however, it was discovered that the photo in the Picture Seat Plan (PSP)<sup>4</sup> of the said examination does not match that of Trinilla's facial features. To further verify her identity and the authenticity of her alleged eligibility, the Office deemed it necessary to secure Trinilla's 201 File from the CSC Manila Field Office. The picture in her Personal Data Sheet (PDS),<sup>5</sup> accomplished in 1997, revealed that her facial features therein do not bear resemblance to that of the person in the picture attached above her printed name in the PSP. The Office thus concluded that there was a probable case of impersonation since a different person apparently took the civil service examination on Trinilla's behalf.<sup>6</sup>

On January 24, 2020, the Office of the Court Administrator (OCA) required Trinilla to file a comment on the letter.<sup>7</sup>

In response, Trinilla filed her Comment<sup>8</sup> on the letter on June 2, 2020. Therein, she vehemently and specifically denied the accusations against her. She asserted that she personally took the professional civil service examination on November 27, 1994 and the signature appearing on the PSP was hers and not anybody else's.<sup>9</sup>

Trinilla further contended that Ms. Jocelyn Lantaquin (Lantaquin), Chief Human Resource Specialist, when she noticed that the picture appearing in the PSP did not bear semblance to her facial features, asked her to repeatedly affix her signature on a piece of paper. She obliged. Lantaquin, thereafter, no longer questioned the authenticity of her signatures appearing in the civil service examination plan for the specimen signatures were the same and were her true and genuine signatures. This only shows that it was she who actually signed the PSP during the examination.<sup>10</sup> As to how the picture of another person was found in the PSP, Trinilla was also clueless.<sup>11</sup>

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<sup>3</sup> Id.

<sup>4</sup> Id. at 15.

<sup>5</sup> Id. at 7-9.

<sup>6</sup> Id. at 3.

<sup>7</sup> Id. at 19.

<sup>8</sup> Id. at 21-28.

<sup>9</sup> Id. at 25.

<sup>10</sup> Id. at 23.

<sup>11</sup> Id.

*Dec*

She claimed that it could be possible that her picture, which she pasted on the PSP, could have fallen off after the examinations when the same was in transit from the Bacolod examination site to the CS Office and/or it was inadvertently mixed up with another by someone else.<sup>12</sup>

After evaluating the records of this case, the OCA issued a Recommendation (Administrative Matter for Agenda)<sup>13</sup> proposing that Trinilla be held administratively liable for serious dishonesty and be dismissed from service. The OCA explained that the documents presented by the Office clearly showed that the photo of a person, whose picture appeared in the PSP, and who actually took the civil service examination on November 27, 1994, does not resemble Trinilla. It may, therefore, be concluded that an impostor took the exam on Trinilla's behalf. Unfortunately, Trinilla failed to refute these documents and merely proffered a bare denial of the charge.<sup>14</sup>

After a thorough review of the records of this case, this Court agrees with the recommendation of the OCA.

Dishonesty is defined as the intentional making of a false statement in any material fact, or practicing or attempting to deceive or make a fraudulent scheme in securing his examination, registration, appointment or promotion. It may also imply a disposition or tendency 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>15</sup>

The CSC, in its CSC Memorandum Circular No. 15, Series of 1991, categorized impersonation as constituting dishonesty, among others, thus:

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, has been categorized as a grave offense of Dishonesty, Grave Misconduct or Conduct Prejudicial to the Best Interest of the Service.<sup>16</sup>  
(Citation omitted)

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<sup>12</sup> Id. at 24.

<sup>13</sup> Id. 45-48.

<sup>14</sup> Id. at 46-48.

<sup>15</sup> *Plopinio v. Atty. Zabala-Cariño*, 630 Phil. 259, 264 (2010).

<sup>16</sup> *Civil Service Commission v. Hadji Ali*, 711 Phil. 376, 383 (2013).

In fact, in a plethora of cases,<sup>17</sup> this Court had been consistent in concluding that a case of impersonation – allowing one person to take the civil service examination on behalf of another to ensure a passing mark, is a form of dishonesty.

Although dishonesty covers a broad spectrum of conduct, CSC Resolution No. 06-0538 sets the criteria for determining the severity of dishonest acts.<sup>18</sup> For dishonesty to be considered serious, Section 3 thereof states that any of the following circumstances must be present:

1. The dishonest act caused serious damage and grave prejudice to the government;
2. The respondent gravely abused his authority in order to commit the dishonest act;
3. Where the respondent is an accountable officer, the dishonest act directly involves property; accountable forms or money for which he is directly accountable; and respondent shows intent to commit material gain, graft and corruption;
4. The dishonest act exhibits moral depravity on the part of the respondent;
5. The respondent employed fraud and/or falsification of official documents in the commission of the dishonest act related to his/her employment;
6. The dishonest act was committed several times or on various occasions;
- 7. The dishonest act involves a Civil Service examination irregularity or fake Civil Service eligibility such as, but not limited to, impersonation, cheating and use of crib sheets;**
8. Other analogous circumstances.<sup>19</sup> (Emphasis in the original)

Here, number 7 characterized Trinilla's act of dishonesty. She, therefore, becomes liable for serious dishonesty.

In the instant case, it has been established that the picture<sup>20</sup> attached to the PSP above the name and signature of Trinilla does not bear any semblance to the facial features of Trinilla's picture<sup>21</sup> in the PDS. The discrepancy is

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<sup>17</sup> *Re: Nestor D. Bulaong*, A.M. No. P-21-015, April 27, 2021; *Civil Service Commission v. Hadji Ali*, supra note 16; *Re: Complaint of CSC, CAR, Baguio City Against Chulyao, MCTC-Barlilig, Mountain Province*, 646 Phil. 34 (2010).

<sup>18</sup> *Re: Samuel R. Ruñez, Jr.*, A.M. No. 2019-18-SC, January 28, 2020.

<sup>19</sup> *Id.*

<sup>20</sup> *Rollo*, p. 15.

<sup>21</sup> *Id.* at 7.

apparent, which even an ordinary person could easily discern. Such distinct differences between Trinilla's identification photos on her PDS and PSP give rise to the reasonable conclusion that another person had taken the Civil Service examination on Trinilla's behalf. While there may have been similarities in the signatures in the PSP and the PDS, the fact that the impostor had studied and copied Trinilla's signature to pass herself off as Trinilla is not far-fetched.

Impersonation was all the more established when Trinilla, in her Comment, admitted that the picture appearing on the PSP of the examination room was not hers and she does not know the person in the picture.<sup>22</sup>

As things are, Trinilla insists that she was the one who took the exam in 1994. Anent the picture of another person on the PSP, Trinilla was clueless and only surmised that her real picture might have fallen off, and/or another picture was placed above her signature by someone.<sup>23</sup>

Her contentions, however, are untenable.

First, her claim that her actual picture had fallen off and/or was misplaced and another was attached thereto is unacceptable. As found by the OCA, no evidence was presented to substantiate her claim.<sup>24</sup> Neither did Trinilla offer any evidence to show that there was an unknown person who had some motive against her to meddle with her civil service eligibility. Such claim, therefore, remains speculative, hence, unlikely.

Second, the alleged irregularity could not have happened. In the case of *Re: Complaint of CSC, CAR, Baguio City Against Chulyao, MCTC-Barlig, Mountain Province*,<sup>25</sup> this Court had adopted the assurance of CSC that the one who takes the examination is always the owner of the picture attached to the PSP, thus:

The CSC has devised methods and strategies in the conduct of any civil service exam to ensure the integrity of the civil service examination. The procedure in taking any civil service exam is very rigid, stiff and taut. With the well-established procedure in administering the Civil Service Exams, it could not and never happen that the I.D. Picture of another person be pasted in the picture seat plan instead of the picture of the actual examinee. *This is so because before the I.D. Picture of the examinee is*

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<sup>22</sup> Id. at 23.

<sup>23</sup> Id. at 24.

<sup>24</sup> Id. at 46.

<sup>25</sup> Supra note 17.

*Chulyao*

*pasted in the seat plan, the proctor will validate if the I.D. Picture submitted by the examinee is the examinee's picture. The proctor will see to it that the I.D. Picture being submitted by the examinee is his or her own picture. After the I.D. is pasted, the examinee will be required to sign below said I.D. and the signature is again validated by the proctor if the said signature is the same as the signature appearing in the application form.* Hence, it would be highly improbable that the I.D. picture of another person would be pasted in the PSP.<sup>26</sup> (Emphasis and italics in the original, citation omitted)

Absent any evidence to the contrary, there is no reason for this Court to rule that the CSC had acted contrary to its mandate and methodology during the CS examination. Needless to state, the only logical scenario in the case at bench is that another person, who matched the picture in the PSP, actually took the examination on November 27, 1994 in Trinilla's name.

Finally, Trinilla merely raised a defense of denial. It is well-settled that denial is an inherently weak defense. To be believed, it must be buttressed by strong evidence of non-culpability; otherwise, such denial is purely self-serving and is with no evidentiary value.<sup>27</sup> In this case, apart from her bare denial, no proof was ever submitted to support her claims. Thus, they are all flimsy and lame excuses, which collapse in the face of the very obvious evidence to the contrary.<sup>28</sup>

Now that it has been settled that another person took the examination on her behalf, it raises the presumption that Trinilla consented to such deception. In the case of *Anonymous Complaint Re: Fake Certificates of CSC Eligibility*,<sup>29</sup> citing *Civil Service Commission v. Dasco*,<sup>30</sup> this Court emphasized that there will always be two persons involved in an offense of impersonation, (1) the impostor, and (2) the one who allowed the impostor to use his or her name for the examination, and benefitted from such reprehensible act,<sup>31</sup> in this case, Trinilla.

From the foregoing disquisition, this Court finds Trinilla administratively liable for serious dishonesty. Her act of allowing another person to take the CS examination in her place to ensure a passing mark implies a disposition or tendency to lie, cheat, deceive, or defraud, which is the very essence of serious dishonesty.

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<sup>26</sup> Id. at 42.

<sup>27</sup> *Judge Buenaventura v. Mabalot*, 716 Phil. 476, 495 (2013).

<sup>28</sup> *Anonymous Complaint Re: Fake Certificates of CSC Eligibility of Marivic B. Ragel, et al.*, 821 Phil. 781, 785 (2017).

<sup>29</sup> Id.

<sup>30</sup> 587 Phil. 558 (2008).

<sup>31</sup> *Anonymous Complaint Re: Fake Certificates of CSC Eligibility of Marivic B. Ragel, et al.*, supra at 786.

As to the imposable sanction, this Court, in the case of *Dela Rama v. De Leon*,<sup>32</sup> ordered the uniform application of Rule 140 of the Revised Rules of Court in the imposition of penalties in administrative cases involving Judiciary personnel since it is the prevailing rule at present unless its retroactive application would not be favorable to the employee. Otherwise stated, if the application of Rule 140, as amended would be prejudicial to the employee, then the framework of rules prevailing at the time of the commission of the offense should apply.<sup>33</sup>

In this case, at the time of the commission of the offense, dishonesty is classified as a grave offense and is punishable by dismissal from service even for the first offense,<sup>34</sup> with accessory penalties of cancellation of eligibility, forfeiture of leave credits and retirement benefits, and the disqualification for reemployment in the government service. These may be imposed without prejudice to criminal or civil liability.<sup>35</sup>

Section 22, Rule 140 of the Revised Rules of Court, as amended by A.M. No. 18-01-05-SC, classifies dishonesty as a serious charge. Meanwhile, Section 25(A)(1) Rule 140 of the Revised Rules of Court, as amended by A.M. No. 21-03-17-SC, imposes upon a person found guilty of a serious charge the penalty of “dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credit.”

It bears stressing at this point that although Section 25(A), Rule 140 of the Revised Rules of Court, as amended by A.M. No. 21-03-17-SC, gives three possible sanctions that may be imposed on an erring employee found guilty of a serious charge, case law<sup>36</sup> is nevertheless consistent that impersonation, which is a form of serious dishonesty, is punishable by dismissal from service.

Now, a close comparison of Section 25, Rule 140 of the Revised Rules of Court and Omnibus Rules Implementing Book V, of Executive Order No. 292 led this Court to conclude that Rule 140 is not

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<sup>32</sup> A.M. No. P-14-3240, March 2, 2021.

<sup>33</sup> Id.

<sup>34</sup> Section 22, Rule XIV, Omnibus Rules Implementing Book V, of Executive Order No. 292.

<sup>35</sup> Id. at Section 9.

<sup>36</sup> *Re: Nestor D. Bulaong*, supra note 17; *Civil Service Commission v. Hadji Ali*, supra note 16; *Re: Complaint of CSC, CAR, Baguio City Against Chulyao, MCTC-Barlig, Mountain Province*, supra note 17; *Anonymous Complaint Re: Fake Certificates of CSC Eligibility, of Marivic B. Ragel, et al.* supra note 28.

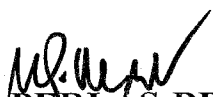
prejudicial to Trinilla, and thus, must be applied to this instant case. The former excludes from forfeiture an employee's accrued leave credits, while the forfeiture of leave credits is one of the accessory penalties in the latter.


On a final note, time and again, this Court stresses that every employee of the judiciary must be an example of integrity, uprightness, and honesty. He or she must exhibit the highest sense of honesty and integrity in all aspects of his or her life, whether in the performance of official duties or in personal and private dealings with everyone he or she deals with. In that sense, he or she will preserve the court's good name and standing. Needless to state, 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.<sup>37</sup> Unfortunately, Trinilla failed to demonstrate such standard required from all employees of the Judiciary.

**WHEREFORE**, premises considered, Chona R. Trinilla, Clerk III, Branch 50, Regional Trial Court, Bacolod City, Negros Occidental, is found **GUILTY** of **SERIOUS DISHONESTY**. She is hereby ordered **DISMISSED** from the service with **FORFEITURE** of all retirement benefits, except her accrued leave credits, and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned and controlled corporations.

**SO ORDERED.**

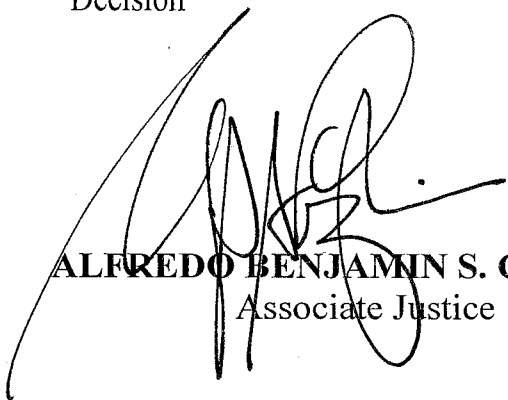
  
**ALEXANDER G. GESMUNDO**  
Chief Justice

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

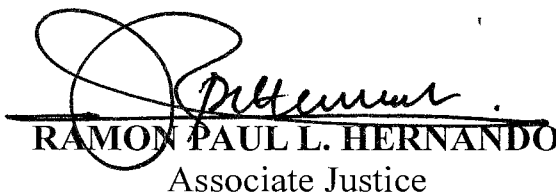
  
**MARVIC M.V.F. LEONEN**  
Associate Justice

<sup>37</sup> *Anonymous Complaint Re: Fake Certificates of CSC Eligibility of Marivic B. Ragel, et al.*, supra note 28 at 786-787.

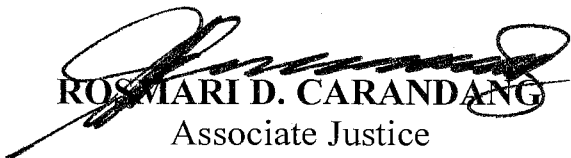




**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice




**RAMON PAUL L. HERNANDO**  
Associate Justice



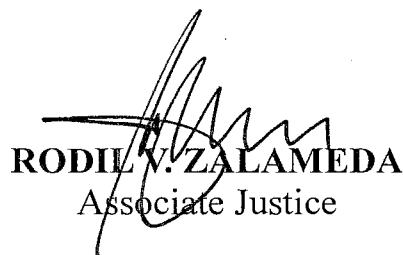
**ROSMARI D. CARANDANG**  
Associate Justice



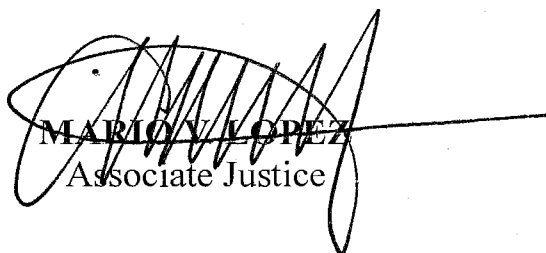
**AMY C. LAZARO-JAVIER**  
Associate Justice



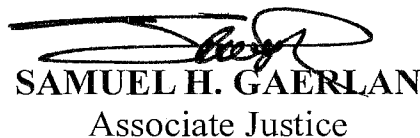
**HENRI JEAN PAUL B. INTING**  
Associate Justice



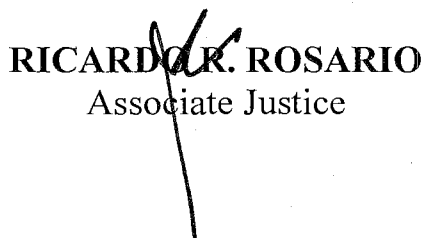
**RODIL N. ZALAMEDA**  
Associate Justice



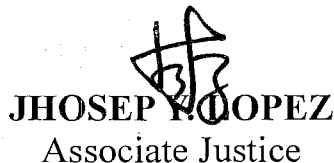
**MARIO V. LOPEZ**  
Associate Justice



**SAMUEL H. GAERLAN**  
Associate Justice



**RICARDO R. ROSARIO**  
Associate Justice



**JHOSEP LOPEZ**  
Associate Justice