



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE
RECEIVED
JUL 22 2022
BY: *[Signature]*
TIME: *9:12*

SECOND DIVISION

THELMA DUMPIT-MURILLO,
Petitioner,

G.R. No. 248492

Present:

- versus -

PERLAS-BERNABE, S.A.J.,
Chairperson,
HERNANDO,
INTING,
GAERLAN, and
DIMAAMPAO, JJ.

CAREER EXECUTIVE SERVICE BOARD, represented by **MARIA ANTHONETTE VELASCO-ALLONES and/or ARTURO M. LACHICA,**
Respondent.

Promulgated:

FEB 14 2022

[Signature]

X-----X

DECISION

INTING, J.:

Before the Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court assailing the Decision² dated February 7, 2019 and the Resolution³ dated July 12, 2019 of the Court of Appeals (CA) in CA-G.R. SP No. 144145 which affirmed the Decision⁴ dated June 18, 2015 and the Order⁵ dated October 29, 2015 of the Office of the Ombudsman (OMB) in OMB-C-A-14-0021. The CA found Thelma

¹ *Rollo*, pp. 11-33.
² *Id.* at 37-48; penned by Associate Justice Zenaida T. Galapate-Laguilles, with Associate Justices Mario V. Lopez (now a Member of the Court) and Geraldine C. Fiel-Macaraig, concurring.
³ *Id.* at 50-51.
⁴ *Id.* at 190-200; penned by Graft Investigation and Prosecution Officer I (GIPO I) Rowena R. Vidad, reviewed by Assistant Ombudsman Jennifer J. Manalili, and approved by Ombudsman Conchita Carpio Morales.
⁵ *Id.* at 220-223; penned by GIPO I Sylvester D. Alcazar, reviewed by PiAB-D Director Nellie P. Boquen-Golez, and approved by Ombudsman Conchita Carpio Morales.

[Handwritten mark]

Dumpit-Murillo (Dumpit-Murillo) guilty of Dishonesty and Falsification of a Public Document and imposed upon her the penalty of dismissal from the service.

The Antecedents

The case stemmed from the Complaint⁶ dated December 17, 2013 filed by the Career Executive Service Board (CESB) for Dishonesty and Falsification of a Public Document against Dumpit-Murillo before the OMB.

In the Complaint, the CESB alleged that Dumpit-Murillo was a candidate for Career Executive Service (CES) eligibility. The CES eligibility examination process consists of four stages, namely: (1) CES written examination; (2) assessment center; (3) performance validation; and (4) board interview. Although Dumpit-Murillo successfully passed the first three stages of the process, the CESB still recommended the denial of her CES eligibility upon discovering her alleged false representations in her CES Personal Data Sheet (PDS).⁷ For this reason, she failed in completing the requisite board interview.⁸

Notably, Dumpit-Murillo made the following entries in her CES PDS:

LEVEL OF EDUCATION	SCHOOL	COURSE (MAJOR)	INCLUSIVE DATES OF ATTENDANCE	HIGHEST YEAR COMPLETED UNITS DEGREE EARNED	HONORS RECEIVED
xxx	xxx	xxx	xxx	xxx	xxx
POST GRADUATE	NATIONAL DEFENSE COLLEGE OF THE PHILIPPINES	MASTERS IN NATIONAL SECURITY ADMINISTRATION	2000-2001		DEAN'S LISTER ⁹

⁶ *Id.* at 60-67.

⁷ *Id.* at 76-77.

⁸ *Id.* at 38.

⁹ *Id.* at 76.

Dumpit-Murillo also wrote the foregoing entries in her Candidate's Profile¹⁰ under the heading "Educational Attainment." Moreover, she indicated therein that she was a candidate for a doctorate degree in Public Administration at the Eulogio "Amang" Rodriguez Institute of Science and Technology.¹¹

To verify the entries in Dumpit-Murillo's CES PDS, the CESB requested a certification from the President of the National Defense College of the Philippines (NDCP) in relation to her purported master's degree from 2000-2001.¹²

In a Letter¹³ dated December 2, 2013, NDCP President Fermin De Leon, Jr. (De Leon) stated that General Order No. 06¹⁴ dated July 17, 2001 (General Order) conferred upon Dumpit-Murillo the Master in National Security Administration (MNSA) degree, but this was conditioned upon her submission of a final copy of her thesis in hardbound format which she failed to do.¹⁵ The Report of Grades/Academic Requirements¹⁶ also showed that her final grades for the three terms did not satisfy the requirements for a Certificate of Merit.¹⁷

In view of the alleged false representations in Dumpit-Murillo's CES PDS and Candidate's Profile, the CESB contended that she should be held administratively liable for Dishonesty and Falsification of a Public Document. Thus, the CESB issued Resolution No. 1128¹⁸ directing the filing of a complaint against Dumpit-Murillo.

In her Counter-Affidavit,¹⁹ Dumpit-Murillo alleged that she was denied due process because the CESB did not afford her the opportunity to be heard in a preliminary conference prior to the approval of Resolution No. 1128 that recommended the filing of the administrative complaint before the OMB.²⁰

¹⁰ *Id.* at 78-79.

¹¹ *Id.* at 78.

¹² *Id.* at 38.

¹³ *Id.* at 81.

¹⁴ *Id.* at 82.

¹⁵ *Id.* at 84-87.

¹⁶ *Id.* at 97.

¹⁷ *Id.* at 39.

¹⁸ *Id.* at 71-74.

¹⁹ *Id.* at 99-106.

²⁰ *Id.* at 100.

Dumpit-Murillo likewise asserted that she did not declare in her CES PDS and Candidate's Profile that she was a "graduate" of NDCP with the MNSA degree but only stated therein the inclusive dates of her attendance of the course.²¹ She also insisted that she could not be held liable for Dishonesty and Falsification of a Public Document in view of the General Order that conferred upon her the MNSA degree.²²

Further, Dumpit-Murillo maintained that the Report of Grades/Academic Requirements shows that she obtained a grade of "Passed" in her thesis subject,²³ that she was a consistent Dean's Lister as shown by the Certificates of Recognition awarded to her by NDCP for the first and second terms of Academic Year 2000-2001,²⁴ and that she had no motive to falsify her CES PDS and Candidate's Profile as she simply relied in good faith on the genuineness, contents, and language of the documents on hand, "the authenticity and veracity of which cannot be doubted, the same being public records issued by competent authorities."²⁵

In its Reply-Affidavit,²⁶ the CESB contended, among others, that Dumpit-Murillo's right to due process was not violated when it did not conduct a hearing or a preliminary conference before deciding, through Resolution No. 1128, to file the administrative complaint. It argued that as the governing body of CES, it is "empowered to determine and decide on its own the rules, standards and procedures to address violations of its policies on the selection, classification, compensation, and career development of members of the CES, regardless of who may be involved therein."²⁷

The Ruling of the OMB

On June 18, 2015, the OMB rendered its Decision²⁸ finding Dumpit-Murillo guilty of Dishonesty and Falsification of a Public Document and imposing upon her the penalty of dismissal from the

²¹ *Id.* at 101.

²² *Id.* at 101-102.

²³ *Id.* at 103.

²⁴ *Id.* at 102-103.

²⁵ *Id.* at 102.

²⁶ *Id.* at 110-124.

²⁷ *Id.* at 113.

²⁸ *Id.* at 190-200.

service with all its accessory penalties. The dispositive portion of the OMB Decision reads:

WHEREFORE, this Office finds Thelma Dumpit-Murillo guilty of Dishonesty and Falsification of a Public Document and is hereby meted the penalty of DISMISSAL FROM THE SERVICE, which shall carry with it the cancellation of eligibility, forfeiture of retirement benefits, except for accrued leave credits, and perpetual disqualification for re-employment in the government service.

In the event that the penalty of dismissal can no longer be enforced due to respondent's separation from the service, the same shall be converted into a FINE equivalent to respondent's salary for ONE YEAR, payable to the Office of the Ombudsman, and may be deductible from respondent's retirement benefits, accrued leave credits or any receivables from his [sic] office.

SO ORDERED.²⁹

The OMB held that Dumpit-Murillo, a third level official, was expected to strictly comply with the requirements of the MNSA course.³⁰ It found that Dumpit-Murillo knew that she would not be a full-fledged graduate of NDCP's MNSA program until her submission of the final copy of her thesis.³¹ It also declared that she could not lay claim to a master's degree, notwithstanding any declaration, ceremony, or even a passing grade in her thesis subject, without the submission of her thesis in the required form.³²

Dumpit-Murillo filed a Motion for Reconsideration,³³ but the OMB denied it in an Order³⁴ dated October 29, 2015. Hence, she filed a Petition for Review³⁵ before the CA.

The Ruling of the CA

On February 7, 2019, the CA rendered the assailed Decision,³⁶ the dispositive portion of which reads:

²⁹ *Id.* at 199-200.

³⁰ *Id.* at 197.

³¹ *Id.*

³² *Id.* at 197-198.

³³ *Id.* at 202-210.

³⁴ *Id.* at 220-223.

³⁵ *Id.* at 229-245.

³⁶ *Id.* at 37-48.

WHEREFORE, the instant *Petition* is DISMISSED. The assailed *Decision* dated June 18, 2015 and *Order* dated October 29, 2015 of the Office of the Ombudsman in OMB-C-A-14-0021 are hereby AFFIRMED.

SO ORDERED.³⁷

The CA found no violation of Dumpit-Murillo's right to due process. It ruled that the CESB, as the governing body of CES, is empowered to determine and decide on its own the rules, standards and procedures on the selection, classification, compensation, and career development of CES members. It declared that the CESB's own rules mandated it to file administrative cases at the earliest opportunity if it is warranted, as in the case; hence, Dumpit-Murillo cannot claim that she was deprived of her right to due process. Moreover, it held that her opportunity to be heard was fully present when she opposed the charge against her before the OMB.³⁸

As to the administrative charges of Dishonesty and Falsification of a Public Document, the CA ruled that Dumpit-Murillo had indeed knowingly made false representations that she was an MNSA graduate of NDCP considering the entries she made in her CES PDS and Candidate's Profile.³⁹

Dumpit-Murillo filed a Motion for Reconsideration,⁴⁰ but the CA denied it in the assailed Resolution⁴¹ dated July 12, 2019.

Hence, the present petition.

Issues

The issues to be resolved in this case are as follows: 1) whether Dumpit-Murillo was deprived of due process when the CESB did not give her the opportunity to explain her side prior to its approval of Resolution No. 1128 and its subsequent filing of the administrative

³⁷ *Id.* at 47.

³⁸ *Id.* at 43.

³⁹ *Id.* at 44.

⁴⁰ *Id.* at 288-298.

⁴¹ *Id.* at 50-51.

complaint against her before the OMB; and 2) whether Dumpit-Murillo is administratively liable for Dishonesty and Falsification of a Public Document.

The Court's Ruling

The petition is *partly* meritorious.

The Court holds that Dumpit-Murillo was not deprived of due process when she was not given the opportunity to explain her side prior to the CESB's approval of Resolution No. 1128 and its subsequent filing of the administrative complaint against her before the OMB. However, the Court does not find Dumpit-Murillo guilty of Dishonesty and Falsification of a Public Document but instead holds her administratively liable for Simple Negligence.

Dumpit-Murillo was not deprived of due process.

Under the Integrated Reorganization Plan, which was approved by then President Ferdinand E. Marcos through Presidential Decree No. 1⁴² on September 24, 1972, the CES was created to "form a continuing pool of well-selected and development-oriented career administrators who shall provide competent and faithful service."⁴³ Established to serve as the governing body of CES, the CESB was empowered, among others, to promulgate its own rules, standards, and procedures on the selection, classification, compensation, and career development of CES members.⁴⁴

Pursuant to the power vested in it under the Integrated Reorganization Plan, the CESB promulgated Resolution No. 791-09, otherwise known as the "Revised Integrated Rules on the Grant of Career Executive Service Eligibility," which presently embodies the rules, standards, and procedures governing CES eligibility. Pertinent to the present case is Section 3, Rule I thereof which provides:

SECTION 3. *Grounds for Invalidation of Application for CES Eligibility.* — An applicant for CES eligibility is required to make a

⁴² Entitled, "Reorganizing the Executive Branch of the National Government."

⁴³ Article IV (1), Chapter 1, Part III of the Integrated Reorganization Plan.

⁴⁴ Article IV (5), Chapter 1, Part III of the Integrated Reorganization Plan.

full disclosure to the Board of any information relevant to his/her application for CES eligibility.

When an applicant is found to have intentionally made any false statement of material fact or employed any form of deception or fraud in connection with his/her application for CES eligibility, the Board shall invalidate such application, without prejudice to the filing of appropriate administrative and/or criminal case against the applicant concerned. (Italics supplied.)

In accordance with the above provision, the CESB could proceed to file an appropriate administrative case with the OMB against Dumpit-Murillo after invalidating her application for CES eligibility should it find that any false statement of material fact was *intentionally made* or that any form of *deception* or *fraud* was employed by Dumpit-Murillo in connection with her application for CES eligibility.

Dumpit-Murillo contends that the CESB's act of filing the administrative complaint before the OMB deprived her of remedies or reliefs with the Civil Service Commission (CSC) or within the Board itself. She avers that under Section 16, Rule 4 of the Revised Rules on Administrative Cases in the Civil Service (RRACCS),⁴⁵ before a formal charge is made, the person complained of must first be given an opportunity to explain his or her side by way of a show-cause memorandum. In the instant case, no notification was given to her prior to the CESB's issuance of Resolution No. 1128 and the subsequent filing of the administrative complaint against her; she only found out about the case when the OMB sent her a formal notice.

The contention does not hold water.

It must be noted that Dumpit-Murillo is not yet a member of the CES. Considering that she was still a candidate for CES eligibility at the time of filing of the case with the OMB, the power of the CESB to discipline CES members through the investigation and adjudication of administrative complaints, as provided in Article IV(5)(h),⁴⁶ Chapter 1,

⁴⁵ CSC Resolution No. 1101502, November 8, 2011.

⁴⁶ Article IV(5)(h), Chapter 1, Part III of the Integrated Reorganization Plan provides:

5. The Board shall promulgate rules, standards and procedures on the selection, classification, compensation and career development of members of the Career Executive Service. The Board shall set up the organization and operation of the Service in accordance with the following guidelines:

x x x x

Part III of the Integrated Reorganization Plan, cannot be applied in her favor.

On the contrary, the CESB could validly file an administrative complaint against Dumpit-Murillo with the OMB, which is vested with the disciplinary authority over all elective and appointive officials of the government, except those who may be removed by impeachment or over members of Congress and the Judiciary.⁴⁷ Here the OMB clearly had jurisdiction over the CESB's administrative complaint considering that Dumpit-Murillo was an appointive official, as evidenced by her appointment paper to the position of Director IV in the Department of Trade and Industry issued by the Office of the President on December 20, 2010.⁴⁸

"The essence of due process is to be heard, and, as applied to administrative proceedings, this means a fair and reasonable opportunity to explain one's side, or an opportunity to seek a reconsideration of the action or ruling complained of."⁴⁹ Administrative due process is complied with when a person is informed of the charge against him or her and, more importantly, given an opportunity to explain or defend himself or herself.⁵⁰ In other words, the filing of charges and a fair and reasonable opportunity to explain one's side of the controversy at hand are *sufficient* to meet the minimum requirements of due process.⁵¹

Undeniably, the basic requirements of administrative due process have been met in the case. As Dumpit-Murillo herself alleged, she received a formal notice from the OMB informing her of the administrative charges against her for Dishonesty and Falsification of a Public Document. This gave her the opportunity to explain her side

h. *Discipline*. Investigation and adjudication of administrative complaints against members of the Career Executive Service shall be governed by Article VI, Chapter II and Paragraph 1 (d) of Article II, Chapter III of this Part; provided that appeals shall be made to the Career Executive Service Board instead of the Civil Service Commission. Administrative cases involving members of the Service on assignment with the Board shall be investigated and adjudicated by the Board with the right to appeal to the Office of the President.

⁴⁷ See Section 21 of Republic Act No. 6670 and Section 2, Rule III of Administrative Order No. 7, Series of 1990, or the "Rules of Procedure of the Office of the Ombudsman."

⁴⁸ *Rollo*, p. 70.

⁴⁹ *Vivo v. Phil. Amusement and Gaming Corporation*, 721 Phil. 34-39 (2013), *Office of the Ombudsman v. Reyes*, 674 Phil. 416, 432 (2011), further citing *F/O Ledesma v. Court of Appeals*, 565 Phil. 731, 740 (2007).

⁵⁰ *Alfornon v. Delos Santos*, 789 Phil. 462, 471-472 (2016), citing *Ledesma v. Court of Appeals*, 565 Phil. 731, 740 (2007).

⁵¹ *Id.* at 472, citing *Cayago v. Hon. Lina*, 489 Phil. 735, 751 (2005)

through her filing of a Counter-Affidavit.⁵² Moreover, after having been found guilty of the administrative charges, she was able to file a Motion for Reconsideration (re: Decision dated 18 June 2015)⁵³ with the OMB as well as an appeal *via* a petition for review and a Motion for Reconsideration (of the Decision Dated 07 February 2019)⁵⁴ before the CA, which, unfortunately, did not merit the reversal of the OMB Decision.

Dumpit-Murillo is not liable for Dishonesty and Falsification of a Public Document.

On the basis of the established facts, the Court finds that the OMB, as affirmed by the CA, erred in holding Dumpit-Murillo administratively guilty of Dishonesty and Falsification of a Public Document.

The Court has previously ruled that making a false statement in one's PDS is tantamount to Dishonesty and Falsification of a Public Document.⁵⁵ On the one hand, Dishonesty is the "disposition to lie, cheat, deceive, or defraud; untrustworthiness, lack of integrity."⁵⁶ Under CSC Resolution No. 060538 dated April 4, 2006, otherwise known as the "Rules on the Administrative Offense of Dishonesty," it is also defined as the "concealment or distortion of truth, which shows lack of integrity or a disposition to defraud, cheat, deceive or betray and an intent to violate the truth." Falsification of a Public Document, on the other hand, "as an administrative offense, is knowingly making false statements in official or public documents."⁵⁷

It bears to underscore that whatever entries Dumpit-Murillo states in her CES PDS and Candidate's Profile would have a direct effect on her CES eligibility. In *Pagaduan v. Civil Service Commission*,⁵⁸ the Court declared that "[t]he filing of a PDS is required in connection with the promotion to a higher position and contenders for promotion have

⁵² *Rollo*, pp. 99-106.

⁵³ *Id.* at 202-210.

⁵⁴ *Id.* at 288-298.

⁵⁵ *Villordon v. Avila*, 692 Phil. 388, 396 (2012), citing *Civil Service Commission v. Bumogas*, 558 Phil. 540, 546 (2007). See also *Fontilla v. Alcantara*, A.M. No. P-19-4024, December 3, 2019.

⁵⁶ *Office of the Ombudsman v. Torres*, 567 Phil. 46, 58 (2008).

⁵⁷ *Id.*

⁵⁸ 747 Phil. 590 (2014).

the legal obligation to disclose the truth.”⁵⁹ In so ruling, the Court pointed out that applicants who enhance their qualifications through false statements would otherwise *prejudice* other qualified aspirants to the same position.⁶⁰

The Court upholds the CESB’s act of making further inquiry into Dumpit-Murillo’s qualifications. It should be noted that Dumpit-Murillo accomplished her CES PDS because she was a candidate for CES eligibility. In this regard, it was incumbent upon the CESB, as the governing body of CES, to verify the entries in her CES PDS through its request for a certification from the NDCP President. Thus, the CESB’s act was done as a matter of course and in the regular performance of its official duty.

Interestingly, NDCP President De Leon stated in his Letter dated December 2, 2013 that NDCP could not issue a certification attesting that Dumpit-Murillo is a *bona fide* alumna of the College for the following reasons:

Per NDCP’s records, Ms. Murillo has been conferred the degree of Master of National Security Administration (MNSA) by virtue of General Order Number 06 dated July 17, 2001, signed by Dr. Clarita R. Carlos, President, NDCP.

However, the said General Order will only hold true pending submission of her final thesis copy in hardbound format, which until now is yet to be received by the College.

Records of the NDCP Library x x x will show that in number 1373, there is no entry of her thesis title indicating that there was no submission of her final thesis copy to date. Also, copy of the comments from her thesis panelists indicated that more revisions still need to be incorporated in her final thesis.

Further, attached in the Report of Grades indication that *her final grades in all courses for the three terms did not satisfy the requirements for a Certificate of Merit.*

In this regard, *the NDCP does not give certification attesting her as a bona fide alumna of the College.*⁶¹ (Italics supplied.)

⁵⁹ *Id.* at 603, citing *Lumancas v. Intas*, 400 Phil. 785, 799 (2000).

⁶⁰ *Id.*

⁶¹ *Rollo*, p. 81.

To the Court, however, Dumpit-Murillo *cannot* be held administratively liable for Dishonesty and Falsification of a Public Document despite NDCP's refusal to issue the certification requested by the CESB on the basis of the above-mentioned reasons. Simply put, she cannot be deemed to have made false representations in her CES PDS and Candidate's Profile considering that she *did* attend the MNSA program from 2000 to 2001, and the General Order *unconditionally* conferred upon her the MNSA degree.

For clarity and precision, the pertinent portion of the General Order⁶² is quoted as follows:

GENERAL ORDER
NUMBER 06

1. Pursuant to Presidential Decree No. 190 as amended, the following named individual [sic], having fulfilled the requirements prescribed by the Academic Board of the National Defense College of the Philippines are declared graduates of the Thirty Six Regular Class and hereby conferred the degree of Master in National Security Administration (MNSA) effective this date.

x x x x

MS. THELMA D. MURILLO Radio Veritas-Global Broadcasting
System

x x x x

2. Pursuant to Section 7 of the Presidential Decree No. 190 as amended, the above-mentioned graduates are hereby authorized to use with honor the abbreviations "MNSA" after their name.

3. Pursuant to paragraph 14-b, Section III of the Department Circular No. 8 dated July 12, 1991, said graduates are hereby authorized to wear the distinction the NDCP Badge and Pin awarded by the NDCP.

[Signed]
CLARITA R. CARLOS, Ph. D.
President⁶³

Indeed there is nothing in the General Order that requires Dumpit-Murillo to submit her final thesis copy in hardbound format. While the

⁶² *Id.* at 82.

⁶³ *Id.* at 174-175.

submission thereof was allegedly a precondition to Dumpit-Murillo's becoming a full-fledged graduate of NDCP's MNSA program, the Court nonetheless agrees with her that the General Order plainly, unequivocally, and categorically conferred upon her the MNSA degree as it did not contain any reservation or resolatory condition that would indicate otherwise.⁶⁴ As such, she could safely rely on the General Order, and she had no reason to go beyond what is stated therein as well as in the Certificates of Recognition⁶⁵ that NDCP awarded to her.

"[P]ublic or notarial documents, or those instruments duly acknowledged or proved and certified as provided by law, may be presented in evidence without further proof, the certificate of acknowledgment being *prima facie* evidence of the execution of the instrument or document involved."⁶⁶ Being a public document, the General Order is presumed regular and reliable, and should be upheld. Accordingly, the Court finds that the CA erred in giving more credence to the Letter dated December 2, 2013 of NDCP President De Leon over the General Order certifying Dumpit-Murillo's conferment of the MNSA degree.

Considering that the General Order contains no qualification as regards NDCP's conferment of the MNSA degree upon Dumpit-Murillo, it was not for the CESB, the OMB, and the CA to further delve into the issue of her non-submission of her final thesis copy. Notably, as shown in the Report of Grades/Academic Requirements, Dumpit-Murillo obtained a grade of "Passed" in her thesis subject.⁶⁷ Further, the Certificates of Recognition awarded to her by NDCP for the first and second terms of Academic Year 2000-2001 reveal that she was, in fact, a Dean's Lister.⁶⁸

Moreover, to the Court, the failure of Dumpit-Murillo to indicate in her CES PDS that she had not yet submitted her final thesis copy cannot be considered as tantamount to making a false statement or enhancing her qualifications that would, in effect, prejudice other qualified aspirants to the same position.

⁶⁴ *Id.* at 25.

⁶⁵ *Id.* at 102-103.

⁶⁶ *Rodriguez v. Your Own Home Development Corp.*, 838 Phil. 749, 771 (2018), citing *Chua v. Court of Appeals*, 283 Phil. 253, 260 (1992).

⁶⁷ *Rollo*, p. 103.

⁶⁸ *Id.* at 102-103.

To stress, there is no question that Dumpit-Murillo took the MNSA course at NDCP. The situation would have been different if she had not attended the MNSA course at all and then misrepresented herself to have been conferred with the MNSA degree, in which case, it would be clear that she is liable for Dishonesty and Falsification of a Public Document. Considering the regularity of the General Order and the fact that Dumpit-Murillo actually attended the MNSA program, she cannot be declared guilty of the administrative offenses charged.

Dumpit-Murillo is liable for Simple Negligence.

While Dumpit-Murillo is not guilty of Dishonesty and Falsification of a Public Document, the Court, nonetheless, finds her administratively liable for Simple Negligence.

The Court explained the concept of negligence in *Daplas v. Department of Finance (Daplas)*,⁶⁹ viz.:

Negligence is the omission of the diligence which is required by the nature of the obligation and corresponds with the circumstances of the persons, of the time, and of the place. *In the case of public officials, there is negligence when there is a breach of duty or failure to perform the obligation, and there is gross negligence when a breach of duty is flagrant and palpable. An act done in good faith, which constitutes only an error of judgment and for no ulterior motives and/or purposes, as in the present case, is merely Simple Negligence.*⁷⁰ (Italics supplied, citations omitted.)

“The gravity of negligence or the character of neglect in the performance of duty is certainly a matter of evidence and will direct the proper sanction to be imposed.”⁷¹ Under the law, the offense of Gross Neglect of Duty, which is characterized by a flagrant and palpable breach of duty, warrants the supreme penalty of dismissal from service.⁷² In contrast, Simple Neglect of Duty is penalized with mere suspension from office without pay as it only involves the “failure of an employee or an official to give proper attention to a task expected of him or her,

⁶⁹ 808 Phil. 763 (2017).

⁷⁰ *Id.* at 774.

⁷¹ *Catacutan v. Civil Service Commission*, G.R. No. 224651, July 3, 2019.

⁷² *Id.*, citing *Civil Service Commission v. Rabang*, 572 Phil. 316, 323 (2008), further citing *Golangco v. Atty. Fung*, 535 Phil. 331, 341 (2006).

signifying a disregard of a duty resulting from carelessness or indifference.”⁷³

It bears stressing that Dumpit-Murillo was *fully aware* of her non-submission to NDCP of her final thesis copy in hardbound format despite the conferment of the General Order in her favor. Such information should have been disclosed in her CES PDS because it was undeniably relevant to her application for, and could have a significant effect on her, CES eligibility.

Notably, the CES PDS filled out by Dumpit-Murillo contained a column titled “Highest Year Completed [] Units Degree Earned”⁷⁴ wherein she could have stated the fact of her deficiency, *i.e.*, her non-submission to NDCP of a final copy of her thesis in hardbound format. However, Dumpit-Murillo left the whole column *blank*.

On this score, the Court reminds that the PDS is a CSC official document required to be filled out under oath by every government employee or official. It serves as the repository of *all* information about the government employee or official regarding his or her personal background, qualification, and eligibility.⁷⁵ Furthermore, it must be emphasized that “the information required of government personnel must not only be true and correct[;] it must also be *complete*.”⁷⁶

For the foregoing reasons, the Court finds that there was negligence on the part of Dumpit-Murillo.

While it is true that Dumpit-Murillo had full knowledge of her failure to submit a final, hardbound copy of her thesis to NDCP, there is no sufficient showing that she was motivated by bad faith in not disclosing such fact in her CES PDS. Thus, as earlier discussed at length, the charges of Dishonesty and Falsification of a Public Document must necessarily fail.

⁷³ *Id.*, citing *Office of the Ombudsman v. PS/Supt. Espina*, 807 Phil. 529, 543 (2017), further citing *Ombudsman v. De Leon*, 705 Phil. 26, 38 (2013).

⁷⁴ *Rollo*, p. 76.

⁷⁵ *Civil Service Commission v. Rodriguez*. G.R. No. 248255, August 27, 2020, citing *Advincula v. Dicen*, 497 Phil. 979, 990 (2005).

⁷⁶ *Villordon v. Avila*, *supra* note 54 at 395.

This is not to say, however, that Dumpit-Murillo is entirely without fault in the case. Based on the established facts, the Court finds Dumpit-Murillo guilty of Simple Negligence for her failure to pay attention to the details and proper form of her CES PDS, which resulted in the imprecision and inaccuracy of the information she divulged therein that is relevant to her application for CES eligibility.


As to the proper penalty, the Court in *Daplas* noted that Simple Negligence is akin to Simple Neglect of Duty,⁷⁷ which 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.⁷⁸ Since it was not shown that Dumpit-Murillo's actions were attended by bad faith or with fraudulent intent, the Court deems the penalty of suspension without pay for one (1) month and one (1) day to be just and reasonable under the premises.

WHEREFORE, the Petition for Review on *Certiorari* is **PARTLY GRANTED**. The assailed Decision dated February 7, 2019 and Resolution dated July 12, 2019 of the Court of Appeals in CA-G.R. SP No. 144145 are **SET ASIDE**. Petitioner Thelma Dumpit-Murillo is found **GUILTY** of Simple Negligence and is meted out the penalty of suspension from office without pay for one (1) month and one (1) day.

SO ORDERED.

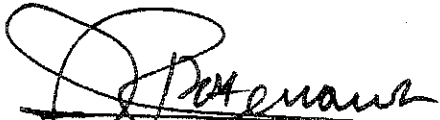

HENRI JEAN PAUL B. INTING
Associate Justice

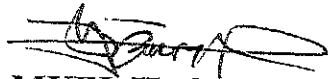
WE CONCUR:



ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

⁷⁷ *Daplas v. Department of Finance*, *supra* note 69 at 775, citing *Reyes v. Cabusao*, 502 Phil. 1, 7 (2005).

⁷⁸ See Section 46(D)(1) of the Revised Rules on Administrative Cases in the Civil Service.


RAMON PAUL L. HERNANDO
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


APAR B. DIMAAMPAO
Associate Justice

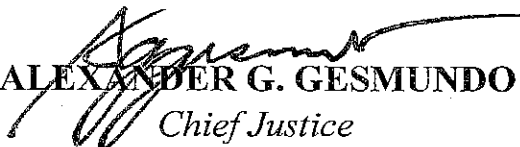
ATTESTATION

I attest 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.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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.


ALEXANDER G. GESMUNDO
Chief Justice