



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **07 September 2020** which reads as follows:*

“G.R. No. 249762 (Gervacio C. Dauz, Jr. v. Technical Education and Skills Development Authority). – The Court resolves to: (a) **NOTE** and **GRANT** the entry of appearance dated January 3, 2020 of the Office of the Solicitor General (OSG), as counsel for respondent Technical Education and Skills Development Authority, praying that all Court processes be sent to them at 134 Amorsolo St., Legaspi Village, Makati City; (b) **NOTE** the letter dated February 17, 2020 of Atty. Rosemarie D. Anacan Dizon, Assistant Clerk of Court, Court of Appeals (CA), Cagayan de Oro City, transmitting the rollo of CA-G.R. SP No. 08969, in compliance with the Resolution dated December 11, 2019; (c) **NOTE** the manifestation of partial compliance with motion to allow additional time to submit other documents dated January 13, 2020 of counsel for petitioner Gervacio C. Dauz, Jr. (petitioner), submitting two (2) additional copies of the motion for extension to file petition and a compact disc containing the soft copy of the motion for extension with verified declaration, and stating that petitioner inadvertently failed to furnish the CA with a copy of the aforesaid motion of extension, but the same was already rectified in the attached submission dated January 10, 2020 filed on even date with the CA, and that counsel undertakes to submit the proof of service to the Court as soon as he receives the same from the post office; with apology for his inadvertence to immediately comply with the Resolution dated November 13, 2019, since he mistakenly entered in his planner the date January 24, 2020, as the last day to comply with the same, when it should have been December 24, 2019; (d) **NOTE** the *ex parte* manifestation of compliance dated February 17, 2020 by counsel for petitioner, submitting the attached two (2) additional copies of the petition, in compliance with the Resolution dated December 11, 2019; and (e) **GRANT** the motion of the OSG for extension of sixty (60) days from February 6, 2020, within which to file comment on the petition for review on *certiorari*, and **NOTE** aforesaid comment dated June 26, 2020, in compliance with the Resolution dated December 11, 2019.

-over-

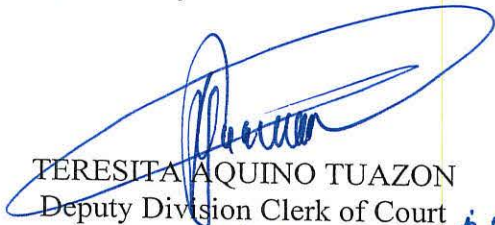
After a judicious study of the case, the Court further resolves to **DENY** the instant petition¹ and **AFFIRM** the August 30, 2019 Decision² of the CA in CA-G.R. SP No. 08969-MIN for failure of petitioner to sufficiently show that the CA committed any reversible error in upholding the Civil Service Commission's (CSC) finding that petitioner is administratively liable for Gross Neglect of Duty.

As correctly ruled by the CA, there was no violation of petitioner's right to due process, when he was charged with Grave Misconduct but ultimately found liable for Gross Neglect of Duty.³ In administrative cases, what is controlling is not the designation of the offense charged, but the substance of the allegations and the evidence presented.⁴ The formal charge was clear that petitioner's liability stemmed from his failure and refusal to liquidate the disallowed cash advances despite repeated reminders, demands, warnings, and notices from the Commission on Audit (COA),⁵ which can constitute Gross Neglect of Duty.⁶

Section 8 of CSC Resolution No. 04-0676,⁷ which was the governing rule at the time the disallowances were incurred in 2009, clearly states that 'failure of the Accountable Officer to render an account within the periods prescribed and after formal demand constitutes the administrative offense of Gross Neglect of Duty punishable by dismissal from service for the first offense.' Records reveal that petitioner received numerous notices and demands to render an account from the COA, but failed to act on the same for several years.⁸ Petitioner faulted the lower tribunals for not considering his version of the facts constituting his defense. However, it should be borne in mind that sufficiency of evidence to prove a claim is a question of fact, which will only be reviewed by this Court under recognized exceptions,⁹ none obtains in this case. Finally, under Section 52 (A) (2) of the Uniform Rules on Administrative Cases in the Civil Service, Gross Neglect of Duty is punishable by dismissal from service on the first instance. Thus, the penalty meted out to petitioner by the CSC, as affirmed by the CA, was correct.

SO ORDERED. (Inting, *J.*, on official leave. Baltazar-Padilla, *J.*, on leave.)”

By authority of the Court:


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
19 OCT 2020 10/16

¹ *Rollo* (Vol. I), pp. 12-35.

² *Id.* at 40-54. Penned by Associate Justice Loida S. Posadas-Kahulugan with Associate Justices Edgardo T. Lloren and Angelene Mary W. Quimpo-Sale, concurring.

³ See *id.* at 50.

⁴ See *Office of the Ombudsman v. Espina*, 807 Phil. 529-555 (2017), citing *Pia v. Gervacio, Jr.*, 710 Phil. 196-211 (2013).

⁵ See *rollo* (Vol. I), p. 122.

⁶ See *id.* at 50-51.

⁷ Entitled "POLICY GUIDELINES TO GOVERN THE LIQUIDATION OF CASH ADVANCES AND THE PENALTY TO BE IMPOSED FOR FAILURE OF AN ACCOUNTABLE OFFICER TO LIQUIDATE WITHIN THE PRESCRIBED PERIOD," dated June 17, 2004.

⁸ See *rollo* (Vol. I), p. 52.

⁹ *Coca-Cola Bottlers Phils. Inc. v. Daniel*, 499 Phil. 491-512 (2005).

LIBRES+ZULIETA+JALAD LAW OFFICES (reg)
Counsel for Petitioner
Unit F, One Luna Place, E. Luna St.
Butuan City

OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

CIVIL SERVICE COMMISSION (reg)
Constitution Hills, Batasang Pambansa Complex
Diliman, 1126 Quezon City
(Civil Service Case No. 1800873)

*ATTY. ROSEMARIE D. ANACAN DIZON (reg)
Assistant Clerk of Court
Court of Appeals
Mindanao Station
Cagayan de Oro City

COURT OF APPEALS (reg)
Mindanao Station
Cagayan de Oro City
CA-G.R. SP No. 08969-MIN

JUDGMENT DIVISION (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
[For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
Supreme Court, Manila

*For this resolution only
Please notify the Court of any change in your address.
GR249762. 9/07/2020(246 & 265)URES *pro/iv*