



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

DEPARTMENT OF JUSTICE,
Petitioner,

G.R. No. 237521

Present:

-versus-

LEONEN, *J.*, Chairperson,
CARANDANG,
ZALAMEDA,
ROSARIO, and
DIMAAMPAO,* *JJ.*

RAMONSITO G. NUQUI,
Respondent.

Promulgated:
November 10, 2021
Mis-DCBatt

X-----X

DECISION

LEONEN, J.:

Corruption is an evil which can be fought by those who have been privy but have seen the light. If we are to rid ourselves of it, this Court must pay attention to the substance of the testimonies of whistleblowers rather than their past actions. After all, no one is perfect and this Court does not require perfection for a person to be a competent witness; what this Court needs is credible and valid information. On this note, findings of administrative agencies, when based on substantive evidence—such as the testimony of a credible whistleblower—deserve great respect by courts and can be the basis for the imposition of administrative liability on a public officer.

This Court resolves the Petition for Review on Certiorari¹ filed by the *[Signature]*

* Designated additional Member per Special Order No. 2839 dated September 16, 2021.

¹ *Rollo*, pp. 15–35.

Department of Justice, seeking the reversal of the Court of Appeals' Decision² and Resolution³ which exonerated Ramonsito G. Nuqui (Nuqui) from the charge of dishonesty, grave misconduct, conduct grossly prejudicial to the best interest of service, and gross neglect of duty.⁴

In February 2010, Rachel J. Ong (Ong),⁵ a former liaison officer of the Bureau of Immigration, executed two sworn statements⁶ exposing a "massive degree of corruption and irregularity"⁷ allegedly perpetrated by a syndicate composed of Bureau of Immigration personnel⁸ operating at the Diosdado Macapagal International Airport.⁹

Ong narrated the specific acts and participation of several Bureau of Immigration personnel in nefarious activities. These included colluding with illegal recruiters in facilitating travel of passengers with incomplete or falsified documents and those prohibited to travel under Hold Departure and Watch List Orders in exchange of money and other consideration.¹⁰ Among the persons implicated was Nuqui,¹¹ a security guard¹² and acting immigration officer¹³ of the Bureau of Immigration stationed at the Diosdado Macapagal International Airport.¹⁴

According to Ong, Nuqui assisted in facilitating travel of passengers with incomplete or falsified documents.¹⁵ In exchange for money, Nuqui would deal with the supervisor, head supervisor, and officer-on-duty. On separate occasions, Nuqui also allegedly looked for, and threatened to, off-load women passengers and allowed them to leave the country only after dating him.¹⁶

During the preliminary investigation conducted by members of the National Prosecution Service, National Bureau of Investigation, and the Bureau of Immigration (Panel), the implicated Bureau of Immigration personnel, including Nuqui, denied the accusations against them.¹⁷

² Id. at 43–57. The May 31, 2017 Decision in CA-G.R. SP No. 129208 was penned by Associate Justice Renato C. Francisco with the concurrence of Associate Justices Ramon M. Bato, Jr. and Manuel M. Barrios of the Eleventh Division of the Court of Appeals, Manila.

³ Id. at 87–88. The February 14, 2018 Resolution in CA-G.R. SP No. 129208 was penned by Associate Justice Renato C. Francisco with the concurrence of Associate Justices Ramon M. Bato, Jr. and Manuel M. Barrios of the Eleventh Division of the Court of Appeals, Manila.

⁴ Id. at 56.

⁵ Also referred to as Racel J. Ong in some parts of the *rollo*.

⁶ *Rollo*, pp. 96–107.

⁷ Id. at 90.

⁸ Id. at 89.

⁹ Id. at 104–105.

¹⁰ Id. at 62, 108–112.

¹¹ Id. at 97, 100. Ong also referred to Nuqui as "Chito Nuqui" in some parts of the *rollo*.

¹² Id. at 75.

¹³ Id. at 97.

¹⁴ Id. at 104–105.

¹⁵ Id. at 100.

¹⁶ Id. at 102–103.

¹⁷ Id. at 66.

Following its preliminary investigation, the Panel articulated its findings in its April 14, 2010 Memorandum.¹⁸ It found that the alleged transactions were indeed done in exchange for big sums of money through the so-called “piso kada ulo,” “piso ulit para sa kahon,” and “isang libo ulit para sa supervisor” system.¹⁹ Thus, the Panel recommended the filing of administrative charges against all the persons implicated.²⁰

On July 19, 2010, a formal administrative charge for grave misconduct, conduct prejudicial to the best interest of the service, dishonesty, and gross neglect of duty²¹ was filed before the Department of Justice against several Bureau of Immigration personnel, including Nuqui.²²

On August 20, 2010, the Bureau of Immigration personnel, including Nuqui, filed their Answer.²³ Nuqui proffered a general denial.²⁴ He claimed that he was never involved in the processing of passengers during the period of May to July 2008 as he was designated acting immigration officer only on October 20, 2008.²⁵

On September 16, 2010, the Department of Justice commenced its own investigation.²⁶ During the hearings, Ong testified and was duly cross-examined. The hearing officers accepted into evidence Ong’s affidavits.²⁷

After the completion of the investigation, the Department of Justice issued its May 13, 2011 Resolution²⁸ finding Nuqui guilty of the offenses charged and imposed upon him the penalty of dismissal from the service.²⁹ According to the Department of Justice, Ong was able to prove the details on the manner by which the alleged illegal acts were carried out by respondents, the specific names of the participants, and the exact location in the airport where the alleged illegal transactions were done, considering that she had personal knowledge of the illegal activities.³⁰ The alleged inconsistency between Ong’s affidavits and testimony is not material because the inconsistency does not go into the core of the allegations against Nuqui.³¹

¹⁸ Id. at 89–94.

¹⁹ Id. at 92–93.

²⁰ Id. at 93.

²¹ Id. at 113–115.

²² Id. at 45–46.

²³ Id. at 116–119.

²⁴ Id. at 116–117.

²⁵ Id.

²⁶ Id. at 46.

²⁷ Id. at 127.

²⁸ Id. at 136–149. The Resolution was penned by former Department of Justice Secretary Leila M. de Lima.

²⁹ Id. at 149.

³⁰ Id. at 142–143.

³¹ Id. at 144.

The dispositive portion of the May 13, 2011 Resolution reads:

WHEREFORE, premises considered, Hernanio B. Manalo, Rey Alfred Y. Hernandez, Robin S. Pinzon, Romeo F. Dannug, Jose G. Melendrez, Adonis V. Fontalnilla, Ramon P. Lapid, Evelyn O. Marinduque, Misael M. Tayag, Gaile Frances B. De Guzman-Sanglay, Jaqueline F. Miranda, Arlene M. Mendoza, James G. Guevarra, Sheryll P. Manguerra, *Ramonsito G. Nuqui*, Luisito Mercado, Leo Lugtu, and Dante Aquino are found guilty of Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service, Dishonesty and Gross Neglect of Duty and are hereby DISMISSED from the service with the imposition of the proper accessory penalties.

SO ORDERED.³² (Emphasis supplied)

The Department of Justice denied Nuqui's subsequent Motion for Reconsideration for lack of merit.³³

Aggrieved, Nuqui appealed to the Civil Service Commission. In its June 27, 2012 Decision,³⁴ the Civil Service Commission affirmed the ruling of the Department of Justice.³⁵

The dispositive of Civil Service Commission's Decision reads:

WHEREFORE, the consolidated Appeals of Romulo F. Dannug, Immigration Officer I; Jose G. Melendres, Immigration Officer II; Rey Alfred Y. Hernandez, Immigration Officer III; *Ramonsito G. Nuqui*, *Security Guard and Acting Immigration Officer*; Evelyn O. Marinduque, Immigration Officer II; Gayle B. Sanglay-De Guzman, Stenographer II and Acting Immigration Officer; Robin S. Pinzon[;] Sheryll P. Manguerra, Clerk I and Acting Immigration Officer; and James G. Guevarra, Clerk I and Acting Collection/Immigration Officer of the Bureau of Immigration (BI), are hereby DISMISSED. Accordingly, the decision of Secretary Leila De Lima, Department of Justice (DOJ), as embodied in Resolution dated August 5, 2011 denying appellants' Motion for New Trial and Resolution dated May 13, 2011 finding them guilty of Dishonesty, Grave Misconduct, Conduct Grossly Prejudicial to the Best Interest of the Service, and Gross Neglect of Duty thereby imposing upon them the penalty of dismissal from the service, are AFFIRMED. The penalty of dismissal shall carry with it the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office, and bar from taking civil service examinations.³⁶ (Emphasis supplied)

Nuqui moved for reconsideration, asserting that there was no sufficient

³² Id. at 149.

³³ Id. at 150–151.

³⁴ Id. at 59–74. The Decision was penned by former Civil Service Commission Chairperson Francisco T. Duque III with the concurrence of Commissioner Mary Ann Z. Fernandez-Mendoza.

³⁵ Id. at 74.

³⁶ Id.

evidence to hold him administratively liable.³⁷

In its October 2, 2012 Resolution,³⁸ the Civil Service Commission denied Nuqui's Motion for Reconsideration, saying that it was incumbent upon Nuqui to present new and substantial evidence to warrant a reversal of its Decision. Since Nuqui failed to present new evidence, the Civil Service Commission found no cogent reason to reverse or modify its Decision.³⁹

The dispositive portion of Civil Service Commission's Resolution reads:

WHEREFORE, the Motions for Reconsideration of Jose G. Melendres, Immigration Officer II, Rey Alfred Y. Hernandez, Immigration Officer III, *Ramonsito G. Nuqui, Security Guard and Acting Immigration Officer*, Evelyn O. Marinduque, Immigration Officer II, Gayle B. Sanglay-De Guzman, Stenographer II and Acting Immigration Officer all of the Bureau of Immigration (BI), are hereby DENIED for lack of merit. Accordingly, the Civil Service Commission (CSC) Decision No. 12-0368 dated June 27, 2012, STANDS.⁴⁰ (Emphasis supplied)

Nuqui filed a Petition for Review on Certiorari under Rule 43 of the Rules of Court before the Court of Appeals.⁴¹ The Court of Appeals issued its assailed May 31, 2017 Decision,⁴² reversing the rulings of the Department of Justice and the Civil Service Commission. The Court of Appeals did not accord full evidentiary weight to Ong's testimony because "it is uncorroborated and riddled with doubt and inconsistencies"⁴³ and the alleged acts or omissions committed by Nuqui were "not shown and proven."⁴⁴

The Court of Appeals denied the Department of Justice's Motion for Reconsideration.⁴⁵ Hence, the Department of Justice filed a Petition for Review on Certiorari⁴⁶ before this Court.

Petitioner Department of Justice argues that Ong, a participant herself in the scheme, had personal knowledge of the anomalies perpetrated by the Bureau of Immigration personnel at the Diosdado Macapagal International Airport.⁴⁷ Petitioner asserts that Ong testified that she gave respondent Nuqui, among other Bureau of Immigration employees, money out of the questioned

³⁷ Id. at 79.

³⁸ Id. at 75-86. The Resolution was penned by Commissioner Robert S. Martinez and concurred in by Commissioner Mary Ann Z. Fernandez-Mendoza.

³⁹ Id. at 85.

⁴⁰ Id. at 86.

⁴¹ Id. at 43.

⁴² Id. at 43-57.

⁴³ Id. at 51.

⁴⁴ Id.

⁴⁵ Id. at 87-88.

⁴⁶ Id. at 15-35.

⁴⁷ Id. at 25.

transactions or have seen these employees receive money.⁴⁸ Petitioner claims that Ong's testimony is credible and is not impelled by ill motive when she identified the participants – including herself – in the illegal transactions at the Diosdado Macapagal International Airport and narrated their respective participation.⁴⁹ Petitioner prays that this Court reinstate its Resolution⁵⁰ and the Civil Service Commission's Decision⁵¹ and Resolution⁵² finding respondent liable for grave misconduct, conduct prejudicial to the best interest of the service, dishonesty, and gross neglect of duty.

Respondent asserts in his Comment⁵³ that petitioner's arguments are factual issues and considering that this Court is not a trier of facts, the factual findings made by the Court of Appeals are conclusive and binding.⁵⁴ Moreover, respondent claims that Ong's statements are mere speculations, which were not corroborated by any other witness, and therefore do not constitute substantial evidence.⁵⁵ In any case, respondent argues that Ong allegedly failed to specify any incident when he was allegedly involved in the anomalies.⁵⁶ For these reasons, respondent asserts that the Petition should be dismissed.

The issue for this Court's resolution is whether or not respondent Ramonsito G. Nuqui should be held administratively liable for dishonesty, grave misconduct, conduct grossly prejudicial to the best interest of service, and gross neglect of duty.

We grant the Petition. The findings of petitioner and the Civil Service Commission deserve full faith and credence, and must be reinstated.

This Court is not a trier of facts and the scope of this Court's judicial review of decisions of the Court of Appeals through a petition for review on certiorari is generally confined only to errors of law; questions of fact are not entertained.⁵⁷ This Court's judicial review does not extend to a re-evaluation of the sufficiency of the evidence upon which a tribunal has based its determination.⁵⁸

As an exemption, this Court may review the factual findings of the Court of Appeals when these are conflicting with those of the lower

⁴⁸ Id. at 26–27.

⁴⁹ Id. at 29.

⁵⁰ Id. at 136–149.

⁵¹ Id. at 59–74.

⁵² Id. at 75–86.

⁵³ Id. at 186–198.

⁵⁴ Id. at 186.

⁵⁵ Id. at 189.

⁵⁶ Id.

⁵⁷ *Fuji Television Network, Inc. v. Espiritu*, 749 Phil. 388 (2014) [Per J. Leonen, Second Division].

⁵⁸ Id. at 415–416.

tribunals.⁵⁹ In this case, the factual findings of the Court of Appeals, the Civil Service Commission, and petitioner are conflicting. Therefore, this Court deems it proper to review the factual findings of the lower tribunals.

Under the doctrine of conclusiveness of administrative findings of fact, factual findings of quasi-judicial and administrative bodies, when supported by substantial evidence, are accorded great respect and even finality by the courts.⁶⁰ The rationale behind this doctrine is that administrative bodies are considered as specialists in their respective fields and can thus resolve the cases before them with dispatch.⁶¹ Absent any clear showing of abuse, arbitrariness, or capriciousness committed on the part of the lower tribunal, its findings of facts are binding and conclusive upon the courts.⁶²

In *Ynson v. Court of Appeals*,⁶³ this Court explained that:

Well-settled is the rule in our jurisdiction that the findings of fact of an administrative agency must be respected, as long as such findings are supported by substantial evidence, even if such evidence might not be overwhelming or preponderant. It is not the task of an appellate court to weigh once more the evidence submitted before the administrative body and to substitute its own judgment for that of the administrative agency in respect of sufficiency of evidence.⁶⁴

Substantial evidence is the quantum of evidence required to establish a fact in cases before administrative or quasi-judicial bodies. It is the level of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.⁶⁵ This is satisfied where there is reasonable ground to believe that respondent is guilty of the act or omission complained of, even if the evidence might not be overwhelming.⁶⁶

The Court of Appeals faulted petitioner and the Civil Service Commission for relying on Ong's sole testimony, which was supposedly inadequate to find respondent guilty of the charges against him. The Court of Appeals ruled that Ong's testimony was "uncorroborated and riddled with doubt and inconsistencies"⁶⁷ and contained contradictory statements which "raise doubts as to Ong's credibility as a witness."⁶⁸ Contrary to her sworn statement, Ong supposedly admitted on cross-examination that respondent

⁵⁹ *Microsoft Corp. v. Farajallah*, 742 Phil. 775,785 (2014) [Per J. Carpio, Second Division]. See also *Pascual v. Burgos*, 776 Phil. 167 (2016) [Per J. Leonen, Second Division].

⁶⁰ *Fil-Estate Properties, Inc. v. Reyes*, G.R. Nos. 152797, 189315 & 200684, September 18, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65753>> [Per J. Leonen, Third Division].

⁶¹ *Id.*

⁶² RULES OF COURT, Rule 65, sec. 1.

⁶³ 327 Phil. 191 (1996) [Per J. Hermosisima, Jr., First Division].

⁶⁴ *Id.* at 207.

⁶⁵ *Castillon v. Magsaysay Mitsui Osk Marine, Inc.*, G.R. No. 234711, March 2, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66406>> [Per J. Leonen, Third Division].

⁶⁶ *Office of the Ombudsman v. Agustino*, 758 Phil. 191, 201 (2015) [Per. J. Mendoza, Second Division].

⁶⁷ *Rollo*, p. 51.

⁶⁸ *Id.* at 52.

“did not take part in the anomalies”⁶⁹ because upon cross-examination, Ong admitted that respondent did not “stamp” or approve the departure of any passenger.⁷⁰

It is settled that evaluating testimony is not a matter of quantity, but is a matter of quality. Moreover, the positive and credible testimony of a lone witness is sufficient to hold a respondent administratively liable. In *Ceniza-Manantan v. People*,⁷¹ this Court stated that:

It is axiomatic that truth is established not by the number of witnesses but by the quality of their testimonies. In the determination of the sufficiency of evidence, what matters is not the number of witnesses but their credibility and the nature and quality of their testimonies. The testimony of a lone witness, if found positive and credible by the trial court, is sufficient to support a conviction especially when the testimony bears the earmarks of truth and sincerity. While the number of witnesses may be considered a factor in the appreciation of evidence, proof beyond reasonable doubt is not necessarily with the greatest number.

*Witnesses are to be weighed, not numbered; hence, it is not at all uncommon to reach a conclusion of guilt on the basis of the testimony of a single witness. Conviction of the accused may still be had on the basis of the positive and credible testimony of a single witness.*⁷² (Emphasis supplied, citations omitted)

In this case, respondent is sought to account for several violations of the 2017 Rules on Administrative Cases in the Civil Service. The quantum of proof required to establish respondent’s misconduct in the administrative complaint is not proof beyond reasonable doubt but substantial evidence. In contrast with a criminal proceeding, the rules of evidence in an administrative proceeding allow a finding of guilt based on less stringent standards.

If this Court has deemed the positive and credible testimony of a single witness sufficient to reach a conclusion of guilt in criminal cases which utilizes a more stringent standard, with much more reason may the testimony of a single witness be deemed sufficient to reach a conclusion of guilt in administrative cases – especially when founded upon positive and credible by the fact-finding bodies, as in this case. Indeed, in *Tanieza-Calayoan v. Calayoan*,⁷³ this Court upheld the findings of the Office of the Court Administrator despite relying on the testimony of a lone witness.

In *J. King & Sons Company, Inc. v. Hontanosas, Jr.*,⁷⁴ this Court explained that human experience reveals that extortion would be done in

⁶⁹ Id. at 51.

⁷⁰ Id.

⁷¹ 558 Phil. 104 (2007) [Per J. Chico-Nazario, Third Division].

⁷² Id. at 116.

⁷³ 767 Phil. 215 (2015) [Per J. Carpio, Second Division].

⁷⁴ 482 Phil. 1 (2004) [Per Curiam, En Banc].

utmost secrecy, minimizing possible witnesses; thus “to require that there be any documentary evidence or a paper trail of the commission of extortion would be quite absurd for, naturally, respondent would not allow such incriminating evidence to exist.”⁷⁵

Because of the covert nature of corruption cases, traditional ways of reporting wrongdoing or offences to the authorities do not work, which makes corruption very difficult to uncover.⁷⁶ In *Reyes v. Carpio-Morales*,⁷⁷ this Court stated that:

[W]histleblower testimonies — especially in corruption cases, such as this — should not be condemned, but rather, be welcomed as these whistleblowers risk incriminating themselves in order to expose the perpetrators and bring them to justice. In *Re: Letter of Presiding Justice Conrado M. Vasquez, Jr. on CA-G.R. SP No. 103692 (Antonio Rosete, et al. v. Securities and Exchange Commission, et al.)*, the Court gave recognition and appreciation to whistleblowers in corruption cases, considering that corruption is often done in secrecy and it is almost inevitable to resort to their testimonies in order to pin down the crooked public officers.⁷⁸ (Citation omitted)

As such, the public is encouraged to report alleged abuses of government office to expose misconduct, fraud, and corruption; to promote good governance; and to hold government officials and employees against the highest ethical standards.⁷⁹ Oftentimes, whistleblowers — whose records may not necessarily be immaculate⁸⁰ but have since discovered the importance of redeeming themselves, their family, and their conscience — are those who come forward to disclose secret or confidential information. It is the whistleblower who may provide a detailed account on the inner workings of the syndicate, which may constitute the most integral evidence in a case.⁸¹

Experience tells us that whistleblowers may suffer various forms of retaliation and may be subject to ostracism.⁸² Thus, witnesses may be reluctant to give information and evidence, thereby resulting to perpetuating

⁷⁵ Id. at 20.

⁷⁶ 783 Phil. 304 (2016) [Per J. Perlas-Bernabe, En Banc].

⁷⁷ Id.

⁷⁸ Id. at 344–345.

⁷⁹ See, for example, Senate Bill No. 3533, available at <http://legacy.senate.gov.ph/lisdata/1301611690!.pdf>; see also House Bill No. 5476, available at https://hrep-website.s3.ap-southeast-1.amazonaws.com/legisdocs/basic_18/HB05476.pdf; see also House Bill No. 4387, available at https://hrep-website.s3.ap-southeast-1.amazonaws.com/legisdocs/basic_18/HB04387.pdf

⁸⁰ See, for example, Section 10 of Republic Act No. 6981 and Section 17, Rule 119 of the Rules of Court, which provides that an accused or a person who participated in the commission of a crime and who does not appear to be most guilty may be discharged as a state witness.

⁸¹ See, for example, *Cambe v. Carpio-Morales*, 802 Phil. 190 (2016) [Per J. Perlas-Bernabe, En Banc].

⁸² See Explanatory Note of House Bill No. 4387 of the Eighteenth Congress, otherwise known as “An Act Providing for the Protection, Security and Benefits of Whistleblowers, Appropriating Funds Therefor and For Other Purposes,” available at https://hrep-website.s3.ap-southeast-1.amazonaws.com/legisdocs/basic_18/HB04387.pdf

a state of impunity.⁸³ Recognizing the hardships that a whistleblower may face and the fact that protection of whistleblowers is integral to prevent and combat corruption, the Congress enacted Republic Act No. 6981 or the Witness Protection, Security and Benefit Act.

Through Republic Act No. 6981, the Congress sought to encourage a person who witnessed a crime or has personal knowledge of its commission to come forward and testify before a court, a quasi-judicial body, or an investigating authority by protecting them from reprisals and economic dislocation.⁸⁴ Pursuant to Republic Act No. 6981, a whistleblower who will serve as a witness to a corruption case is granted various rights and benefits at the expense of the government. These rights and benefits include changing their personal identity, relocating to a secure housing facility, assistance in obtaining a means of livelihood, protection against demotion or removal in the workplace, provision of reasonable travelling expenses and subsistence allowance, and provision of free medical treatment, hospitalization and medicines for any injury or illness incurred or suffered because of witness duty.⁸⁵

In this light, while it would have been ideal for Ong to attach other documentary proof or offer the testimonies of other witnesses in support of her allegations, this route would have been impracticable under the circumstances. To require Ong to present direct proof of the alleged acts would be unrealistic, if not impossible, given the surreptitious ways by which the illegal transactions were carried out by the syndicate.

That Ong was unable to identify a specific date when respondent participated in the anomalies and that Ong made minor inconsistent statements are not fatal. It is well settled that a witness is not expected to remember an occurrence with perfect recollection of the minute details; even the most truthful of witnesses may err and often give confusing statements.⁸⁶

In any case, this Court has also held that discrepancies between the affidavit and the testimony of a witness in open court do not necessarily impair the credibility of the witness, since affidavits are usually taken *ex parte* and are often incomplete for lack of searching inquiries by the investigating officer.⁸⁷

Moreover, inconsistencies in minor details and collateral matters do not affect the credibility of the witnesses or the veracity or weight of their testimonies.⁸⁸ On the contrary, minor inconsistencies may serve to strengthen

⁸³ *Id.*

⁸⁴ *Ampatuan, Jr. v. De Lima*, 708 Phil. 153, 164 (2013) [Per J. Bersamin, First Division].

⁸⁵ Republic Act No. 6981 (1991), sec. 8.

⁸⁶ *Hugo v. Court of Appeals*, 437 Phil. 260, 271 (2002) [Per J. Quisumbing, Second Division].

⁸⁷ *People v. Peralta*, 435 Phil. 743, 762 (2002) [Per J. Austria-Martinez, First Division].

⁸⁸ *People v. Mala*, 458 Phil. 180 (2003) [Per J. Davide, Jr., First Division].

the witnesses' credibility because these negate any suspicion that the testimonies have been rehearsed.⁸⁹

As explained by this Court in *Heirs of Villanueva v. Heirs of Mendoza*:⁹⁰

[T]here is an inherent impossibility of determining with any degree of accuracy what credit is justly due to a witness from merely reading the words spoken by him, even if there were no doubt as to the identity of the words. However artful a corrupt witness may be, there is generally, under the pressure of a skillful cross-examination, something in his manner or bearing on the stand that betrays him, and thereby destroys the force of his testimony. Many of the real tests of truth by which the artful witness is exposed, in the very nature of things, cannot be transcribed upon the record, and hence, they can never be appreciated and considered by the appellate courts.⁹¹

In view of their unique positions in directly observing Ong's demeanor under examination and in noting her demeanor, conduct, and attitude, this Court gives respect to petitioner's and Civil Service Commission's evaluation of Ong's testimony. This is because a witness' demeanor, conduct, and attitude are potent aids in ascertaining their credibility, which unfortunately cannot be incorporated in the records.⁹²

From its viewpoint, petitioner was in the best position to determine the truthfulness of Ong's testimony because it had the best opportunity to observe her demeanor. On the other hand, the Court of Appeals was left to rely on the "cold words"⁹³ of Ong, as "contained in a transcript, with the risk that some of what the witnesses actually said may have been lost in the process of transcribing."⁹⁴

In this case, both petitioner and the Civil Service Commission found Ong's testimony to be straightforward, truthful, and credible.⁹⁵

Petitioner gave full credence to Ong's testimony because the complaint "is not based on rumor, or hearsay, or second-hand stories thrice told"⁹⁶ but on "first-hand personal knowledge of a former colleague who is presently facing criminal charges precisely for the same alleged syndicated activities that has apparently become the daily fare."⁹⁷ In its July 21, 2011 Decision, petitioner said:

⁸⁹ Id. at 190.

⁹⁰ *Heirs of Villanueva v. Heirs of Mendoza*, 810 Phil. 172 (2017) [J. Peralta, Second Division].

⁹¹ Id. at 185.

⁹² Id. at 184–185.

⁹³ Id. at 185.

⁹⁴ Id.

⁹⁵ *Rollo*, pp. 70, 142–145.

⁹⁶ Id. at 110.

⁹⁷ Id.

After a careful evaluation of the arguments raised by both parties, this Department finds that there exists substantial evidence to support the complaint of Ms. Ong considering that the defenses presented by respondents are general denials, bereft of any compelling reasons to disregard the positive testimony of the witness.

Records will show that during her testimony, Ms. Ong was able to provide the details on the manner in which the alleged illegal acts were carried out by respondents, the specific names of the participants and the exact location in the airport where the alleged illegal transactions were done. Based on this testimony, the respective acts of respondents showed collusion among them to receive some kind of consideration for their participation in the irregular and unlawful immigration procedures at the [Diosdado Macapagal International Airport]. These details are circumstances that are substantial enough to corroborate Ms. Ong's statements since it was narrated and delivered with confidence and conviction even in the crucible of a thorough cross-examination. . . .

Respondents likewise contend that Ms. Ong's testimony does not deserve any credence because it is replete with inconsistencies. Although there were inconsistencies in Ms. Ong's affidavits vis-à-vis her testimony given in the course of the formal investigation, this Department believes that these inconsistencies, especially those details that were revealed during the cross-examination, are not material enough to destroy her credibility, [more so] the veracity of her statements. Precisely, an affidavit is not a complete reproduction of what the declarant has in mind. Such being the case, it will be impossible that an affidavit will be reflective of all that the affiant will later on testify in open court. . . . Moreover, where the inconsistency is not an essential element of the crime, such inconsistency is insignificant and cannot have any bearing on the essential fact testified upon. In fact, these inconsistencies bolster the credibility of the witness's testimony as it erases the suspicion of the witness having been coached or rehearsed. It is when the testimony appears totally flawless that a court might have some misgiving as to its veracity.⁹⁸

Similarly, the Civil Service Commission stated that:

All told, there is no doubt that the respondent-appellants committed the offenses of Dishonesty, Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service and Gross Neglect of Duty. Even on the testimony of the complainant alone, the requirement necessary for conviction in administrative cases – substantial evidence, has been more than adequately satisfied. The details supplied by Ong on the intricate and elaborate illegal operations being done at the [Diosdado Macapagal International Airport], and ironically, even the inconsistencies in her testimony, which actually add credence to her Complaint, overwhelmingly constitute relevant evidence which a reasonable, logical mind could accept as adequate to support that conclusion that the respondents, to include the nine (9) appellants herein, have committed the offenses as charged.⁹⁹

⁹⁸ Id. at 141–145.

⁹⁹ Id. at 73.

Indeed, both tribunals are correct in ruling that Ong's testimony was replete with details on how the operations were carried out by the syndicate in the Diosdado Macapagal International Airport. Ong even categorically stated that she had previously transacted with respondent, who served as a contact person of travel agencies:

8. Na ang mga tumatanggap ng pera at kontak din ng mga [iligal] na travel Agency para makaalis na walang problema ang isang pasahero, lalo na sa mga pasahero ni Edelsa Romero Quiambao ay sina:

...

b. Acting Immigration Officers:

...

9. Chito Nuqui

9. Kaya alam ko lahat ang kinasangkutan ng mga taong nabanggit sa itaas dahil lahat sila ay naka-transaksyon ko na.¹⁰⁰

Ong also elaborated on respondent's participation in the alleged illegal activities raised against her:

17. Si Chito Nuqui ay kontak din ni Edelsa Romero.¹⁰¹ Siya ay isa rin sa nag-assist, nagtatatak at namamasahero. Malakas siya kay Ernie¹⁰² dahil puwede sa kanya i-pakiusap ang mga pasahero na may S.O.P. Basta sa tamang halaga, siya ang makikipag-deal sa supervisor at head supervisor at officer [on] duty.

....

33. Ang bawat isa ay nagbabantayan ang head supervisor, bagman, officer, staff. Ayaw ni Eranio [sic] Manalo ang may makakalusot at mahigpit ang pagbabantay sa mga pasaherong VIP or may SOP. Nakabilang sila at kailangan may listahan at agad itong i-reremit kay Ernie Manalo o kung hindi kaya, sa mga supervisor on duty o kay Cito Mercado. . . . *'Pag gusto nila ang babae lalo na sa tingin nila ay game naman[,] [t]jatanungin nila ito ng matagal at tapos i-hold muna at kung ano-ano ang hahanapin sa biktima at pag nagmakaawa sasabihin nila off-load kita [sige] eto number ko. Ang sasabihin ng duty supervisor at mga officer. Isusulat ang number nila . . . Lito [sic] Nuqui, . . . tapos kokontak ang babae at papayag na sa gusto ng Immigration officer at kinabukasan ang nakadate nila or nilabas nilang babae. Maluwag itong nakakaalis patungo sa kanilang bansang pupuntahan. At yun na ang umpisa. Marami na ang kumukontak sa kanila.*

¹⁰⁰ Id. at 97.

¹⁰¹ Id. at 99. Also referred to as Adelsa Romero in Ong's February 17, 2021 Sinumpaang Salaysay. Ong identified Romero as an illegal recruiter.

¹⁰² Id. Ong identified Manalo as a head supervisor in the Bureau of Immigration. Manalo is also known as "Heranio Manalo," "Ernie Manalo," "Kong Ernie," or "Mr. Pogi ng Immigration."

....

36. Ang ibang mga pasahero ay ino-offload-hold o hindi muna nila pina-aalis lalo na kapag tanga, maganda at entertainer ang trabaho. Ibibigay nila ang number nila lalo na si . . . Cito Nuqui[.]¹⁰³ (Emphasis supplied)

The records do not show that Ong had any compelling reason to file a complaint and falsely testify against respondent. Indeed, respondent failed to present any competent and credible evidence to substantiate his claim that Ong was ill motivated in filing a complaint and in falsely testifying against him.

Meanwhile, when Ong filed the complaint against respondent, Ong herself admitted her participation in the illicit scheme and was therefore implicated.¹⁰⁴ Ong would have also benefited had she kept silent and remained complicit in the illegal activities conducted by syndicate:

52. Natatakot ang lahat kay Manalo dahil sa husay nitong gumawa ng kuwento, maglagay, manakot at manira at dahil na rin sa pera at lakas ng mga kapit niya sa taas. Kaya ganun na lang siyang tinaguriang (Mr. Pogi). Dahil sa taas ng bigay over VIP ang mga taga taas pag-punta sa Clark at sa dami rin nilang pagreregalo.

53. *Pikit at takot at pipi at bulag sila sa mga gusto ni Heranio Manalo sa dahilang ayaw nilang mawala sa [Diosdado Macapagal International Airport] dahil sa lakas ng kita at laki ng sweldo na binabayad ng mga Airlines. Takot silang mawala dahil sa karangyaan sa buhay, maraming pera, maraming sasakyan, negosyo, pambisyo at luho sa katawan. Dahil kapag nawala sila sa airport, magbabalik ka sa normal mong buhay na pang karaniwang empleyado ka na lang. Yun ang pinakamain na dahilan ng tulad ko at iba pang empleyado na galling sa hirap at walang maaasahan at ang pinaka-mahirap aya [sic] malalayo sa pamilya dahil kapag hindi ka sumunod kay Eranio Manalo ay mare-recall ka pabalik sa main office o sa kung saan ang item mo ay nasa malayong probinsya kaya sa ayaw at sa gusto mo, luluhod ka kay Heranio Manalo.*

....

57. Mayaman at malakas ang impluwensya ng mga [Bureau of Immigration and Deportation] personnel at pati si Heranio Manalo at Cito Mercado at Rey Hernandez ang leader sa fund raising sa kalahating milyon para sa “ako” para manahimik ako. *Kumontak sila ng taong-labas o hired killer na mga [New People’s Army] na taga-Pampanga at Nueva Ecija para patayin ako at para wag ako magsalita at manatiling lihim ang mga transaksyon na illegal sa [Diosdado Macapagal International Airport].*¹⁰⁵ (Emphasis supplied.)

Respondent invoked general denial as his defense. However, mere

¹⁰³ Id. at 100–103.

¹⁰⁴ Id. at 109.

¹⁰⁵ Id. at 104–105.

denial is a self-serving negative defense that cannot be given greater weight than the declaration of a credible witness who testified on affirmative matters.¹⁰⁶ In this case, respondent selectively invoked facts in an attempt to escape culpability. Respondent claims that he was never involved in the processing of passengers as he was designated acting immigration officer only in October 2008.¹⁰⁷ However, respondent never directly addressed the other charges against him, particularly the allegation that he threatened to off-load women passengers and allowed them to leave the country only after dating him. It is also undisputed that he was an officer of the Bureau of Immigration.¹⁰⁸

While it may be true that respondent was only appointed as acting immigration officer in October 2008, it was undisputed that he had long been stationed at the Diosdado Macapagal International Airport, albeit in a different capacity. That he was not yet appointed as acting immigration officer did not foreclose his participation in the syndicate. In his capacity as security guard, he was still part of the syndicate, colluding with Edelsa Romero and benefitting from facilitating passengers with incomplete or falsified documents or prohibited to travel. This benefit came in the form of either monetary considerations extorted or dates with the offloaded passengers.

Given that respondent's participation in the syndicate was demonstrated by substantial evidence, petitioner and the Civil Service Commission were correct in ruling that respondent is liable for grave misconduct, conduct prejudicial to the best interest of the service, dishonesty, and gross neglect of duty.

Misconduct is defined as "a transgression of some established and definite rule of action, a forbidden act, a dereliction of duty, unlawful behavior, willful in character, improper or wrong behavior."¹⁰⁹ The misconduct is grave if it involves corruption, or if it tends to disregard established rules.¹¹⁰

Acts may constitute conduct prejudicial to the best interest of the service if the acts committed tarnish the image and integrity of public office.¹¹¹

Dishonesty is understood to imply "a 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."¹¹²

¹⁰⁶ *Caca v. Court of Appeals*, 341 Phil. 114, 117 (1997) [Per J. Romero, Second Division].

¹⁰⁷ *Rollo*, p. 117.

¹⁰⁸ *Id.* at 59.

¹⁰⁹ *Re: Administrative Charge of Misconduct Relative to the Alleged Use of Prohibited Drug of Reynard B. Castor*, 719 Phil. 96, 100 (2013) [Per Curiam, En Banc].

¹¹⁰ *Id.*

¹¹¹ *Avenido v. Civil Service Commission*, 576 Phil. 654, 662 (2008) [Per Curiam, En Banc].

¹¹² *Civil Service Commission v. Dasco*, 587 Phil. 558, 566 (2008) [Per Curiam, En Banc].

Gross neglect of duty is defined as negligence characterized “by acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected.”¹¹³

Respondent’s acts clearly show his culpability for the alleged infractions. In this case, respondent was an officer of the Bureau of Immigration¹¹⁴ who was stationed at the Diosdado Macapagal International Airport. As an immigration officer, he was meant to identify and apprehend questionable travelers and provide security and protection to all persons who come to and from the airport. However, in breach of his duties, he deliberately resorted to extorting money and other personal favors from offloaded passengers to benefit himself and illegal recruiters. Thus, it is readily apparent that he was not only remiss in the faithful performance of his duty as an immigration officer, but also guilty of corruption, thereby tarnishing the image and integrity of the Bureau of Immigration.

Rule 10, Sections 50, 55, and 57 of the 2017 Rules on Administrative Cases in the Civil Service provide:

Section 50. Classification of Offenses. — Administrative offenses with corresponding penalties are classified into grave, less grave and light, depending on their gravity or depravity and effects on the government service.

A. The following grave offenses shall be punishable by dismissal from the service:

....

2. Gross Neglect of Duty;
3. Grave Misconduct;

....

B. The following grave offenses shall be punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense:

....

10. Conduct Prejudicial to the Best Interest of the Service;

Section 55. Penalty for the Multiple Offenses. — If the respondent is found guilty of two (2) or more different offenses, the penalty to be imposed should be that corresponding to the most serious offense and the

¹¹³ *Office of the Ombudsman v. De Guzman*, 819 Phil. 282, 306–307 (2017) [Per J. Leonen, Third Division].

¹¹⁴ *Rollo*, pp. 52, 59.

rest shall be considered as aggravating circumstances.

Section 57. *Administrative Disabilities Inherent in Certain Penalties.* The following rules shall govern in the imposition of accessory penalties:

- a. The penalty of dismissal shall carry with it cancellation of eligibility, perpetual disqualification from holding public office, bar from taking civil service examinations, and forfeiture of retirement benefits.¹¹⁵

Following Sections 55 and 57 of the 2017 Rules on Administrative Cases in the Civil Service, respondent should be made to suffer the penalty of dismissal from the service. In view of the presence of one aggravating circumstance due to petitioner committing multiple violations of the 2017 Rules on Administrative Cases in the Civil Service, petitioner and the Civil Service Commission were correct in imposing the maximum penalty of dismissal from the service, with the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office, and bar from taking civil service examinations.

Article XI, Section 1 of the 1987 Constitution is clear:

Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.

This constitutional standard of conduct is not intended to be a mere rhetoric and therefore should not be taken lightly.¹¹⁶ Those in the public service are enjoined to strictly adhere to this standard or risk facing administrative sanctions such as the extreme penalty of dismissal from the service – as in this case.

All told, this Court finds that the findings and conclusions of petitioner with respect to the administrative charge against respondent, which were affirmed by the Civil Service Commission, are founded on substantial evidence. Ong's testimony engenders a reasonable belief that respondent is guilty of facilitating illegal travel of passengers at the Diosdado Macapagal International Airport, in exchange of valuable consideration, and of taking advantage of his authority to offload passengers with a view of dating them. Accordingly, the Court of Appeals erroneously reversed and set aside the findings and conclusions of petitioner and of the Civil Service Commission.


¹¹⁵ RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE CIVIL SERVICE (2017).

¹¹⁶ *Fact-Finding Investigation Bureau-OMB-MOLEO v. Miranda*, G.R. No. 216574, July 10, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65413>> [Per J. Lazaro-Javier, Second Division].

WHEREFORE, the Petition is **GRANTED**. The May 31, 2017 Decision and February 14, 2018 Resolution of the Court of Appeals in CA-G.R. SP No. 129208 are **REVERSED** and **SET ASIDE**. The June 27, 2012 Decision in Administrative Case No. 120368 and October 2, 2012 Resolution in Administrative Case No. 1201639 of the Civil Service Commission finding respondent Ramonsito G. Nuqui **GUILTY** of dishonesty, grave misconduct, conduct grossly prejudicial to the best interest of service, and gross neglect of duty, are hereby **REINSTATED**.

Respondent Ramonsito G. Nuqui shall suffer the penalty of dismissal from service, as well as accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, and perpetual disqualification from holding public office and from taking civil service examinations.

SO ORDERED.

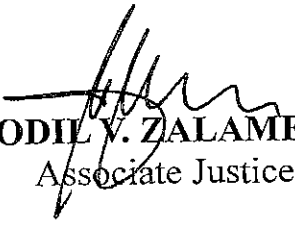


MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:



ROMARI D. CARANDANG
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice

ATTESTATION

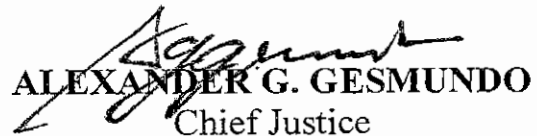
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**MARVIC M.V.F. LEONEN**

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

