



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

DEPARTMENT OF FINANCE- G.R. No. 230260  
REVENUE INTEGRITY  
PROTECTION SERVICE, rep. by  
REYNALITO L. LAZARO and  
JESUS S. BUENO,  
Petitioners,

-versus-

RAYMOND PINZON VENTURA\*  
(SG25), COLLECTOR OF  
CUSTOMS, BUREAU OF  
CUSTOMS, SOUTH HARBOR,  
PORT AREA, MANILA,  
Respondent.

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OFFICE OF THE OMBUDSMAN, G.R. No. 231831  
Petitioner,

Present:

LEONEN, J., Chairperson,  
LAZARO-JAVIER,  
INTING,\*\*  
LOPEZ, M., and  
KHO, JR., JJ.

-versus-

RAYMOND PINZON VENTURA,  
Respondent.

Promulgated:  
FEB 06 2023

X-----X

\* Referred to as "Raymund" in some parts of the *rollo*.

\*\* Designated additional Member per Raffle dated August 9, 2022.

**DECISION****LEONEN, J.:**

The Constitution provides that public office is a public trust.<sup>1</sup> A public officer is expected to perform their functions efficiently and to the best of their abilities, while adhering to the rules and requirements of the law. A public servant must always be accountable to the people and must remember their responsibility to uphold the integrity of public service and to preserve the sovereign's trust in them. Accordingly, they must be held at a higher standard when determining the propriety of their actions.

This Court resolves two Petitions for Review on *Certiorari*<sup>2</sup> under Rule 45 of the Rules of Court assailing the Court of Appeals Decision<sup>3</sup> and Amended Decision<sup>4</sup> which modified the Office of the Ombudsman's findings in its Decision.<sup>5</sup>

On May 20, 2015, the Department of Finance-Revenue Integrity Protection Service (Revenue Integrity Protection Service) filed a Complaint<sup>6</sup> before the Office of the Ombudsman against Raymond Pinzon Ventura (Ventura), then a Collector of Customs V at the Bureau of Customs, for serious dishonesty, grave misconduct, and violation of reasonable office rules and regulations.<sup>7</sup>

The Complaint accused Ventura of the following:

(1) his failure to declare his spouse and children in his Personal Data Sheet (PDS) and Statement of Assets, Liabilities and Net Worth (SALN); (2) false declaration of real properties in his SALN for having declared real properties that are not registered in his name; (3) failure to declare his business interest in two corporations, Cross Border Management Corporation and Strategic Business Management Alliance, as well as the business interest of his wife, and; (4) his failure to secure the necessary travel authority when he travelled to Macau from 09 to 12 November 2008.<sup>8</sup>

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<sup>1</sup> CONST., art. XI, sec. 1.

<sup>2</sup> *Rollo* (G.R. No. 230260), pp. 55–82; *Rollo* (G.R. No. 231831), pp. 33–41.

<sup>3</sup> *Rollo* (G.R. No. 231831), pp. 49–60. The December 1, 2016 Decision in CA-G.R. SP No. 146655 was penned by Associate Justice Jhosep Y. Lopez (now a member of this Court) and concurred in by Associate Justices Ramon R. Garcia and Leoncia R. Dimagiba of the Fifteenth Division, Court of Appeals, Manila.

<sup>4</sup> *Id.* at 62–67. The February 27, 2017 Decision in CA-G.R. SP No. 146655 was penned by Associate Justice Jhosep Y. Lopez (now a member of this Court) and concurred in by Associate Justices Ramon R. Garcia and Leoncia R. Dimagiba of the Fifteenth Division, Court of Appeals, Manila.

<sup>5</sup> *Id.* at 69–80. The May 30, 2016 Decision in OMB-C-A-15-0133 was penned by Graft Investigation and Prosecution Officer II Alteza A. Anoso and approved by Overall Deputy Ombudsman Melchor Arthur H. Carandang of the Office of the Ombudsman, Quezon City.

<sup>6</sup> *Id.* at 97–110.

<sup>7</sup> *Id.* at 98.

<sup>8</sup> *Id.* at 50.

The Revenue Integrity Protection Service alleged that Ventura declared that he was single in his January 28, 2003 Personal Data Sheet for his promotion from Attorney III to Collector of Customs IV,<sup>9</sup> despite being married to one Maricar San Juan Guevarra since September 18, 1993.<sup>10</sup> He likewise failed to declare his three children: (1) Francisco Rigor Guevarra Ventura, born in 1994; (2) Angelica Mari Guevarra Ventura, born in 1999; and (3) Eliana Raye Guevarra Ventura, born in 2009, in both his Personal Data Sheet and his Statements of Assets, Liabilities and Net Worth from 2002 to 2013.<sup>11</sup>

It likewise noted that Ventura declared ownership over real properties located in Antipolo, Quezon City, Olongapo City, Subic, and Makati. However, the properties were not registered under his name.<sup>12</sup> In addition, he did not declare his affiliation with several corporations, including his wife's corporations.<sup>13</sup> Lastly, it alleged that Ventura violated Executive Order No. 6<sup>14</sup> when he travelled to Macau from November 9 to 12, 2008 without first securing a travel authority from the Department of Finance.<sup>15</sup>

Ventura denied all the charges filed against him in his July 18, 2015 Counter-Affidavit.<sup>16</sup>

He claimed that he did not disclose his marriage in his Personal Data Sheet and his Statements of Assets, Liabilities and Net Worth since he and his wife have been estranged even before he started working at the Bureau of Customs in 2002.<sup>17</sup> He expressed that he chose to stay silent about his wife and children as he has "never been the type to wash his dirty laundry in public."<sup>18</sup> He further justified that he could not have disclosed his affiliation with his wife's corporations since he and his wife were separated, and thus, he was not aware of her business interests.<sup>19</sup>

As to the real properties declared in his Statements of Assets, Liabilities and Net Worth which were not registered in his name, Ventura justified that he acquired them either by sale or inheritance, and that they were not transferred to his name at the time.<sup>20</sup> As regards his affiliation with Cross Border Management Corporation and Strategic Business Management

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

<sup>10</sup> *Id.* at 35, 69–70.

<sup>11</sup> *Id.* at 69–70.

<sup>12</sup> *Id.* at 70.

<sup>13</sup> *Id.*

<sup>14</sup> Executive Order No. 6 (1986) provides that all travels abroad of government officials shall be authorized by the heads of the ministries and government-owned or controlled corporations.

<sup>15</sup> *Rollo* (G.R. No. 231831), p. 72.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 256.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 257.

<sup>20</sup> *Id.* at 259.

Alliance, he claimed that while he participated in its incorporation, both businesses remained non-operational and dormant.<sup>21</sup> Lastly, he asserted that while he did not secure a travel authority from the Department of Finance, he secured one from the Bureau of Customs.<sup>22</sup>

In its May 30, 2016 Decision,<sup>23</sup> the Office of the Ombudsman absolved Ventura on the charge of violation of reasonable office rules and regulations.<sup>24</sup>

In addition, the Office of the Ombudsman accepted Ventura's justifications for his declaration of properties not in his name and nondisclosure of this affiliation with Cross Border Management Corporation, Strategic Business Management Alliance, and his wife's corporations.<sup>25</sup> However, Ventura was found guilty of serious dishonesty and grave misconduct due to the nondisclosure of his wife and children.<sup>26</sup> The dispositive portion of the Office of the Ombudsman's Decision reads:

WHEREFORE, finding RAYMOND PINZON VENTURA GUILTY of Serious Dishonesty and Grave Misconduct, he is hereby meted the penalty of DISMISSAL FROM THE SERVICE with the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, and perpetual disqualification from holding office, pursuant to Section 52(a) of the Revised Rules on Administrative Cases in the Civil Service (RRACCS).

In the event that the penalty of Dismissal can no longer be enforced due to Ventura's separation from the service, it shall be converted into a FINE in the amount equivalent to Ventura's salary for one (1) year, payable to the Office of the Ombudsman, and may be deductible from Ventura's retirement benefits, accrued leave credits, or any receivable from [his] office.

....

SO ORDERED.<sup>27</sup>

Consequently, Ventura appealed before the Court of Appeals through a Petition for Review<sup>28</sup> under Rule 43 of the 1997 Rules of Civil Procedure, asserting that the Office of the Ombudsman erred when it found him guilty of serious dishonesty and grave misconduct and dismissed him from service with all its accessory penalties.<sup>29</sup>

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<sup>21</sup> *Id.* at 260

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at 69-80.

<sup>24</sup> *Id.* at 78.

<sup>25</sup> *Id.* at 77.

<sup>26</sup> *Id.* at 74.

<sup>27</sup> *Id.* at 78-79.

<sup>28</sup> *Id.* at 388-412.

<sup>29</sup> *Id.* at 389.

Ventura argued that he cannot be held liable for serious dishonesty, as his failure to disclose his wife and children in public documents did not cause any damage or prejudice to the government or to third parties.<sup>30</sup> He claimed that it has no direct relation to his duties as a Bureau of Customs employee.<sup>31</sup> He further added that his error must be mitigated considering that this was his first offense in his long years of service, and that it was committed in good faith.<sup>32</sup>

On September 30, 2016, the Revenue Integrity Services filed a Comment<sup>33</sup> reiterating that by providing false information in his Personal Data Sheet and his Statements of Assets, Liabilities and Net Worth, Ventura showed behavior which was “clearly inconsistent with the ideal standards set for public officers.”<sup>34</sup>

In its December 1, 2016 Decision,<sup>35</sup> the Court of Appeals partially granted Ventura’s petition. It found that his dishonesty in his Personal Data Sheet and Statements of Assets, Liabilities and Net Worth did not amount to grave misconduct, as he neither gained benefit for himself nor was there showing of any willful disregard of established rules. It was also found that there was no showing that his concealment in the Personal Data Sheet and his Statements of Assets, Liabilities and Net Worth was used to illegally acquire public funds.<sup>36</sup> Thus, its dispositive portion reads:

WHEREFORE, the instant petition is PARTIALLY GRANTED. The Decision of the Office of the Ombudsman dated 30 May 2016 is Modified in that petitioner Raymond Ventura is liable for SIMPLE MISCONDUCT. He is hereby meted the penalty of suspension for a period of three (3) months.

SO ORDERED.<sup>37</sup>

Both the Revenue Integrity Protection Service and the Office of the Ombudsman moved for reconsideration<sup>38</sup> to assail the Court of Appeals December 1, 2016 Decision, stating that the court erred in reducing the penalty imposed on Ventura for his administrative liability.<sup>39</sup>

Moreover, through its December 22, 2016 Motion to Intervene and Admit Attached Motion for Reconsideration,<sup>40</sup> the Office of the Ombudsman

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<sup>30</sup> *Id.* at 395.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 397.

<sup>33</sup> *Id.* at 415–426.

<sup>34</sup> *Id.* at 419.

<sup>35</sup> *Id.* at 49–60.

<sup>36</sup> *Id.* at 57.

<sup>37</sup> *Id.* at 59.

<sup>38</sup> *Id.* at 476–481, 497–505.

<sup>39</sup> *Id.* at 479, 498.

<sup>40</sup> *Rollo* (G.R. No. 230260), pp. 397–410.

raised that Ventura's appeal should have been dismissed outright for being filed without first filing a Motion for Reconsideration.<sup>41</sup> In turn, Ventura filed his January 20, 2017 Comment and Opposition against both motions for reconsideration.<sup>42</sup>

On February 27, 2017, the Court of Appeals issued an Amended Decision<sup>43</sup> denying both motions for reconsideration for failing to present convincing reason to reverse or modify its findings. It held that the principle of exhaustion of administrative remedy is not an iron clad rule, and that it may be flexible given the factual circumstances of a case.<sup>44</sup>

Moreover, it found that the Office of the Ombudsman should have filed its intervention the moment the parties were informed of the appeal before the Court of Appeals.<sup>45</sup> Lastly, the Court of Appeals clarified that Ventura was found liable of simple dishonesty, and not simple misconduct as stated in the dispositive portion of its December 1, 2016 Decision,<sup>46</sup> thus:

WHEREFORE, the Motion for Reconsideration filed by the Department of Finance-Revenue Integrity Protection Service dated 19 December 2016, and the Motion for Reconsideration with Motion to Intervene and to Admit, dated 22 December 2016 filed by the Office of the Ombudsman are DENIED.

The dispositive portion of our Decision dated 01 December 2016 is hereby clarified and amended to read as follows:

WHEREFORE, the instant petition is PARTIALLY GRANTED. The Decision of the Office of the Ombudsman dated 30 May 2016 is Modified in that petitioner Raymond Ventura is liable for SIMPLE DISHONESTY. He is hereby meted the penalty of suspension for a period of three (3) months.

SO ORDERED.<sup>47</sup>

The Revenue Integrity Protection Service and the Office of the Ombudsman then filed before this Court their respective Petitions for Review on *Certiorari* under Rule 45 of the Rules of Civil Procedure in G.R. Nos. 230260<sup>48</sup> and 231831.<sup>49</sup>



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<sup>41</sup> *Id.* at 498.

<sup>42</sup> *Rollo* (G.R. No. 231861), p. 64.

<sup>43</sup> *Id.* at 62–66.

<sup>44</sup> *Id.* at 65.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.* at 66.

<sup>47</sup> *Id.*

<sup>48</sup> *Rollo* (G.R. No. 230260), pp. 55–82.

<sup>49</sup> *Rollo* (G.R. No. 231831), pp. 33–41.

On March 21, 2017, the Office of the Solicitor General filed a Motion for Extension of Time to File Petition for Review on *Certiorari*,<sup>50</sup> praying for an extension of 30 days from March 23, 2017, or until April 22, 2017, within which to file its Petition for Review. Subsequently, the Office of the Solicitor General filed a Manifestation and Motion<sup>51</sup> withdrawing its Motion for Extension and informing this Court that it will no longer pursue petitioner Revenue Integrity Protection Service's case. In addition, it prayed for a fresh period of 30 days in favor of the latter to give it the opportunity to file its Petition.<sup>52</sup>

On May 26, 2017, respondent Ventura filed an Opposition<sup>53</sup> to the Office of the Solicitor General's Manifestation and Motion.

On July 3, 2017, this Court issued a Resolution<sup>54</sup> directing petitioner Revenue Integrity Protection Service to comment on the Office of the Solicitor General's Manifestation and Motion. In the meantime, petitioner Office of the Ombudsman, through its Office of Legal Affairs, filed its Petition on July 7, 2017.<sup>55</sup>

On August 22, 2017, petitioner Revenue Integrity Protection Service filed its Comment to the Office of the Solicitor General's Manifestation and Motion, expressing its intention to pursue the appeal and praying for a fresh period of 30 days within which to file it.<sup>56</sup>

On October 4, 2017, this Court issued a Resolution granting petitioner Revenue Integrity Protection Service a fresh period of 30 days<sup>57</sup> and directing respondent to file his Comment on the Office of the Ombudsman's Petition.<sup>58</sup>

On November 29, 2017, respondent filed his Comment and Opposition to petitioner Office of the Ombudsman's Petition.<sup>59</sup>

On December 15, 2017, petitioner Revenue Integrity Protection Service filed its Petition for Review on *Certiorari* (With Notice of Change of Address).<sup>60</sup>

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<sup>50</sup> *Rollo* (G.R. No. 230260), pp. 3–7.

<sup>51</sup> *Id.* at 18–22.

<sup>52</sup> *Id.* at 19.

<sup>53</sup> *Id.* at 25–27.

<sup>54</sup> *Id.* at 31.

<sup>55</sup> *Rollo* (G.R. No. 231831), pp. 33–44.

<sup>56</sup> *Rollo* (G.R. No. 230260), pp. 34–39.

<sup>57</sup> *Id.* at 43.

<sup>58</sup> *Id.* at 91.

<sup>59</sup> *Rollo* (G.R. No. 231831), pp. 214–231.

<sup>60</sup> *Rollo* (G.R. No. 230260), pp. 55–78.



On February 26, 2018, this Court required petitioner Office of the Ombudsman to file a Reply to respondent's Comment and Opposition within 10 days of notice. This Court also required respondent to file a comment to petitioner Revenue Integrity Protection Service's Petition.<sup>61</sup>

On June 13, 2018, petitioner Office of the Ombudsman filed its Reply to respondent's Comment and Opposition.<sup>62</sup>

On December 20, 2018, petitioner Revenue Integrity Protection Service filed a Reply<sup>63</sup> to respondent's Comment and Opposition in compliance with this Court's October 17, 2018 Resolution.

In its petition, petitioner Office of the Ombudsman asserts that the Court of Appeals erred in ruling that respondent is guilty of simple dishonesty, despite the substantial evidence proving the gravity of his actions.<sup>64</sup>

It reiterates that as a government employee, respondent is legally bound to disclose the truth in his Personal Data Sheet and Statements of Assets, Liabilities and Net Worth.<sup>65</sup> Moreover, it avers that respondent's false statements in official government documents clearly amounts to dishonesty and puts his integrity in question.<sup>66</sup> Petitioner Office of the Ombudsman further states that respondent's justifications are of no moment. Respondent's nondisclosure of vital information in government records is sufficient proof of bad faith.<sup>67</sup>

Petitioner Revenue Integrity Protection Service, in its petition, states that respondent's willful concealment in his government records amounts to falsification of public documents constituting serious dishonesty and grave misconduct.<sup>68</sup>

It further avers that intent to defraud the government or intent to gain is not essential in the falsification of public documents<sup>69</sup> since the violation of public faith and destruction of truth is what is being punished.<sup>70</sup> It asserts that to dismiss the erring employee is not only punishment for the offense, but is likewise aimed for the "improvement of the public service" and the "preservation of the public's faith and confidence in the government."<sup>71</sup> In addition, petitioner Revenue Integrity Protection Service contends that the

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<sup>61</sup> *Rollo* (G.R. No. 231831), pp. 542-544.

<sup>62</sup> *Id.* at 932-938.

<sup>63</sup> *Id.* at 948-958.

<sup>64</sup> *Rollo* (G.R. No. 230260), p. 36.

<sup>65</sup> *Id.* at 38.

<sup>66</sup> *Id.*

<sup>67</sup> *Id.* at 33.

<sup>68</sup> *Id.* at 62.

<sup>69</sup> *Id.* at 63.

<sup>70</sup> *Id.* at 67.

<sup>71</sup> *Id.* at 68.

Court of Appeals erred when it declared that Civil Service Commission Resolution No. 06-0538, promulgated in 2006, was not applicable to the case.<sup>72</sup>

In respondent's Comments<sup>73</sup> to both petitions, he claims that the Court of Appeals was correct in finding him guilty only of simple dishonesty.<sup>74</sup>

He maintains that his concealment in his Personal Data Sheet and Statements of Assets, Liabilities and Net Worth cannot constitute serious dishonesty, since "no damage or prejudice was caused to any third party or to the government[.]"<sup>75</sup> Moreover, he reiterates that the omission was not directly related to his employment with the Bureau of Customs and did not affect his duties and responsibilities in the agency.<sup>76</sup> He adds that since it was his first offense in 14 years of service, his actions should be mitigated.<sup>77</sup>

As to petitioner Office of the Ombudsman's petition, respondent asserts that the Office of the Ombudsman has no personality to file the instant petition as it was not a party to the complaint, but rather, it was the office or agency that made the Decision that was appealed from.<sup>78</sup>

In its Reply,<sup>79</sup> petitioner Office of the Ombudsman refuted respondent's claim and asserted its standing to intervene in appeals of administrative cases it had resolved, citing *Office of the Ombudsman v. Quimbo*.<sup>80</sup> It further reiterated that respondent's willful concealment is "mental dishonesty amounting to misconduct" specifically, grave misconduct and serious dishonesty.<sup>81</sup> It adds that respondent's actions belie good faith<sup>82</sup> and that length of service is an alternative circumstance, which in this case, does not mitigate respondent's actions, but aggravates it.<sup>83</sup>

On the other hand, petitioner Revenue Integrity Protection Service replied that the Civil Service Commission's Resolution No. 06-0538 only serves as a guide to the disciplining authority in charging the proper offenses, but it does not set grounds for acts of dishonesty. It asserts that to do so would be tantamount to modifying or amending this Court's rulings on the matter.<sup>84</sup>

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<sup>72</sup> *Id.*

<sup>73</sup> *Rollo* (G.R. No. 230260), pp. 117-137 and *rollo* (G.R. No. 231831), pp. 214-231.

<sup>74</sup> *Rollo* (G.R. No. 231831), p. 221.

<sup>75</sup> *Id.* at 222.

<sup>76</sup> *Id.* at 223.

<sup>77</sup> *Id.* at 224.

<sup>78</sup> *Id.* at 220.

<sup>79</sup> *Id.* at 932-938.

<sup>80</sup> *Id.* at 933-934, citing 755 Phil. 41 (2015) [Per J. Mendoza, Second Division].

<sup>81</sup> *Id.* at 935.

<sup>82</sup> *Id.*

<sup>83</sup> *Id.* at 936.

<sup>84</sup> *Id.* at 947.

Thus, the issues for this Court's resolution are:

first, whether petitioner Office of the Ombudsman has personality to intervene in the appellate stages of a decision which it promulgated; and

second, whether the Court of Appeals committed grave abuse of discretion in downgrading respondent Raymond Pinzon Ventura's offense from grave misconduct to simple dishonesty.

## I

Before resolving the primary issue in the present case, it is necessary to address the question of petitioner Office of the Ombudsman's standing.

Respondent asserts that petitioner Office of the Ombudsman should be barred from participating in the appeal process given that it was the disciplining authority upon which the petition is based. On the other hand, petitioner Office of the Ombudsman claims that its propriety to file an appeal regarding the overturning of its decision has long been resolved by this Court.

Petitioner Office of the Ombudsman is correct.

In *Office of the Ombudsman v. Quimbo*,<sup>85</sup> this Court held that part and parcel with the Ombudsman's functions is the right to intervene in proceedings before the appellate courts to defend its legal interests. Thus:

The issue of whether or not the Ombudsman possesses the requisite legal interest to intervene in the proceedings where its decision is at risk of being inappropriately impaired has been laid to rest in *Ombudsman v. De Chavez*. In the said case, the Court conclusively ruled that even if the Ombudsman was not impleaded as a party in the proceedings, part of its broad powers include defending its decisions before the CA. And pursuant to Section 1 of Rule 19 of the Rules of Court, the Ombudsman may validly intervene in the said proceedings as its legal interest on the matter is beyond cavil. The Court elucidated, thus:

... the Ombudsman is in a league of its own. It is different from other investigatory and prosecutory agencies of the government because the people under its jurisdiction are public officials who, through pressure and influence, can quash, delay or dismiss investigations directed against them. Its function is critical because public interest (in the accountability of public officers and employees) is at stake.

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<sup>85</sup> 755 Phil. 41 (2015) [Per J. Mendoza, Second Division].

Moreover, *the Office of the Ombudsman had a clear legal interest in the inquiry into whether respondent committed acts constituting grave misconduct, an offense punishable under the Uniform Rules in Administrative Cases in the Civil Service. It was in keeping with its duty to act as a champion of the people and preserve the integrity of public service that petitioner had to be given the opportunity to act fully within the parameters of its authority.*<sup>86</sup> (Emphasis supplied, citations omitted)

In *Office of the Ombudsman v. Chipoco*,<sup>87</sup> this Court echoed its pronouncements in *Office of the Ombudsman v. Samaniego*,<sup>88</sup> stating:

Both the CA and respondent likened the Office of the Ombudsman to a judge whose decision was in question. This was a tad too simplistic (or perhaps even rather disdainful) of the power, duties and functions of the Office of the Ombudsman. *The Office of the Ombudsman cannot be detached, disinterested and neutral specially when defending its decisions. Moreover, in administrative cases against government personnel, the offense is committed against the government and public interest. What further proof of a direct constitutional and legal interest in the accountability of public officers is necessary?* (Emphasis supplied, citations omitted)

Accordingly, it is established that the Ombudsman has legal interest in appeals of its decisions in administrative cases.<sup>89</sup> Here, notwithstanding this, the Court of Appeals correctly denied petitioner Office of the Ombudsman's Motion to Intervene.

Rule 19 of the Rules of Court prescribes how intervention may be sought. Sections 1 and 2 provides:

SECTION 1. *Who may intervene.* — A person who has a legal interest in the matter in litigation, or in the success of either of the parties, or an interest against both, or is so situated as to be adversely affected by a distribution or other disposition of property in the custody of the court or of an officer thereof may, with leave of court, be allowed to intervene in the action. The court shall consider whether or not the intervention will unduly delay or prejudice the adjudication of the rights of the original parties, and whether or not the intervenor's rights may be fully protected in a separate proceeding.

SECTION 2. *Time to intervene.* — The motion to intervene may be filed at any time before rendition of judgment by the trial court. A copy of the pleading-in-intervention shall be attached to the motion and served on the original parties.

<sup>86</sup> *Id.* at 52–53.

<sup>87</sup> G.R. Nos. 231345 & 232406, August 19, 2019 [Per J. Peralta, Third Division].

<sup>88</sup> 586 Phil. 497 (2008) [Per J. Corona, *En Banc*].

<sup>89</sup> *Office of the Ombudsman v. Gutierrez*, 811 Phil. 389 (2017) [Per J. Velasco, Jr, Third Division].

Thus, while petitioner Office of the Ombudsman may have legal standing, this is not sufficient for a Motion for Intervention to prosper. The time within which to file the intervention, that is before judgement is rendered, must likewise be complied with.

Petitioner Office of the Ombudsman filed its Motion to Intervene and Admit Attached Motion for Reconsideration<sup>90</sup> on December 22, 2016, after the first decision of the Court of Appeals was rendered. Accordingly, petitioner Office of the Ombudsman did not satisfy the statutory conditions for an intervention. Given that the matter of intervention is not a right but is subject to the sound discretion of the courts,<sup>91</sup> the Court of Appeals was well-within its right to deny petitioner Office of Ombudsman's motion.

## II

Nevertheless, this Court finds merit in petitioner Revenue Integrity Protection Service's petition.

It is a general rule in administrative law that the courts do not interfere with the findings of fact of administrative agencies and, instead, respect them.<sup>92</sup> The rule, however, leaves room for exceptions: (1) when there is clearly, manifestly, and patently insufficient and insubstantial evidence to support the administrative agency's findings;<sup>93</sup> or (2) when the administrative agency acted arbitrarily, with grave abuse of discretion, or in a capricious and whimsical manner amounting to an excess or lack of jurisdiction.<sup>94</sup>

To reiterate, the primary issue here is whether the Court of Appeals erred in modifying petitioner Office of the Ombudsman's findings and reducing the charge against respondent from grave misconduct to simple dishonesty.

Here, it is undisputed that, despite his obligation to do so, respondent failed to disclose his existing marriage and three children in his Personal Data Sheet and Statements of Assets, Liabilities and Net Worth from 2002 to 2013. Petitioner Office of the Ombudsman held that such omission is substantial basis to hold respondent liable for the administrative offenses of serious dishonesty and grave misconduct, warranting the supreme penalty of dismissal from service, with all its accessory penalties. However, the Court of Appeals reversed this finding and instead found respondent guilty of only simple dishonesty and meted a suspension of three months.

<sup>90</sup> *Rollo* (G.R. No. 230260), pp. 397-410.

<sup>91</sup> *Office of the Ombudsman v. Gutierrez*, 811 Phil. 389 (2017) [Per J. Velasco, Jr, Third Division].

<sup>92</sup> *Navarro v. Office of the Ombudsman*, 793 Phil. 453 (2016) [Per J. Mendoza, Second Division].

<sup>93</sup> *Pleyto v. Philippine National Police Criminal Investigation and Detection Group*, 563 Phil. 842 (2007) [Per J. Chico-Nazario: Third Division].

<sup>94</sup> *Id.*

Petitioner Office of the Ombudsman then asserts that there is substantial evidence to support its findings of serious dishonesty and grave misconduct.<sup>95</sup>

Respondent, on the other hand, admits that he failed to disclose his marriage and indicate the names of his children on his Personal Data Sheet and Statement of Assets, Liabilities and Net Worth. Nonetheless, he argues that the Court of Appeals correctly ruled that his actions cannot amount to serious dishonesty and grave misconduct since his errors were not detrimental to any third party or the government.<sup>96</sup> Respondent proffers the argument that since he and his wife were separated even before 2002, he did not deem it necessary to disclose his marriage.

Civil Service Commission Memorandum Circular No. 11, series of 2017 provides that all government officials and employees must submit two copies of their accomplished Personal Data Sheet to their respective agencies, and that any misrepresentation made in the form shall cause the filing of cases which are administrative, criminal, or both, against the person concerned.

Further, Section 8 of Republic Act No. 6713, or the Code of Conduct and Ethical Standards for Public Officials and Employees, provides that all public officials and employees must submit their sworn Statements of Assets, Liabilities and Net Worth, stating all the assets, liabilities, net worth and financial and business interests of their spouses, and unmarried minor children living in their households.<sup>97</sup>

Both documents require the government official or employee to make a declaration, under oath, that all the information they have provided are true, correct, and complete. Surely, this signed declaration could not have gone unnoticed by respondent in his submissions for more than ten years.

Thus, by respondent's own admissions, it is apparent that he intended to commit the dishonest act from 2002 to 2013. His omission of his wife and children were done for over a decade, showing that this was a conscious decision on his part and not merely an instance of neglect.

Dishonesty is committed when one "intentionally makes a false statement of any material fact, practices or attempts to practice any deception or fraud in order to secure his examination, registration, appointment, or

<sup>95</sup> *Rollo* (G.R. No. 231831), p. 37.

<sup>96</sup> *Id.* at 222.

<sup>97</sup> Republic Act No. 6713 (1989), sec. 8. Code of Conduct and Ethical Standards for Public Officials and Employees.

promotion.”<sup>98</sup> It is the intentional and malicious concealment or distortion of the truth relevant or related to one’s office of performance of duty.<sup>99</sup>

Respondent himself has admitted to concealing his civil status and children in official documents submitted to the government. He laments that his lapse of judgment was due to his current relationship with his wife with whom he has been separated from for years. Considering that respondent’s dishonest behavior is no longer in doubt, the gravity of his actions and appropriate penalty must be determined.

In *Committee on Security and Safety v. Dianco*,<sup>100</sup> it was held that not all acts of dishonesty deserve the ultimate punishment of dismissal from government service. Instead, the gravity of the dishonest act is first considered before a penalty is meted out. Accordingly, this Court recognized Civil Service Commission Resolution No. 06-0538, series of 2006:<sup>101</sup>

Although dishonesty covers a broad spectrum of conduct, Civil Service Commission (CSC) Resolution No. 06-0538 set the criteria for determining the severity of dishonest acts.

CSC Resolution No. 06-0538 recognizes that dishonesty is a grave offense generally punishable by dismissal from service. Nonetheless, some acts of dishonesty are not constitutive of offenses so grave that they warrant the ultimate penalty of dismissal. Thus, the CSC issued parameters “in order to guide the disciplining authority in charging the proper offense” and in imposing the correct penalty.

The resolution classifies dishonesty into three acts: (1) serious, (2) less serious, and (3) simple.<sup>102</sup> (Citations omitted)

At this juncture, Civil Service Commission Resolution No. 06-0538, as amended by Civil Service Commission Memorandum Circular No. 13, series of 2021, is significant. Here, the parameters for charging a government employee of either serious, less serious, or simple dishonesty were laid down. For serious dishonesty, any of the following attendant circumstances in the commission of the dishonest act must be present:

Section 3. Circumstances Constituting the Administrative Offense of Serious Dishonesty.

a. The dishonest act caused serious damage and grave prejudice to the government such as when the integrity of the office is tarnished, or the operations of the office are affected.

<sup>98</sup> *Navarro v. Office of the Ombudsman*, 793 Phil. 453, 473 (2016) [Per J. Mendoza, Second Division].

<sup>99</sup> *Ramos v. Rosell*, G.R. No. 241363, September 16, 2020 [Per J. Lopez, First Division].

<sup>100</sup> 760 Phil. 169 (2015) [*Per Curiam, En Banc*].

<sup>101</sup> As amended by CSC Memorandum Circular No. 13 (2021).

<sup>102</sup> *Committee on Security and Safety v. Dianco*, 760 Phil. 169, 188 (2015) [*Per Curiam, En Banc*].

b. The respondent gravely abused his/her authority in order to commit the dishonest act.

c. Where the respondent is an accountable officer, the dishonest act directly involves property, accountable forms or money for which he/she is directly accountable and the respondent shows an intent to commit material gain, graft and corruption.

d. The dishonest act exhibits moral depravity on the part of the respondent whether or not said act was committed in the performance of his/her duties.

e. 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.

f. The dishonest act relates to the respondent's employment such as but not limited to misrepresentation on his/her qualifications as to education, experience, training and eligibility in order to qualify for a particular position, and/or the submission of fake and/or spurious credentials.

g. Other analogous circumstances.<sup>103</sup>

Here, while the falsification of respondent's Personal Data Sheet and Statement of Accounts and Liabilities and Net Worth constitutes dishonesty, it will not qualify as serious dishonesty given the absence of all the attendant circumstances mentioned above. Respondent's nondisclosure of his marriage and children neither caused serious damage or grave prejudice to his office nor did it affect its operations. Moreover, his failure to disclose these facts were not related to the performance of his duties as a Collector of Customs and did not involve any government property, forms, or money over which he was accountable and did not involve feigning his qualifications or eligibility for his position.

On the other hand, less serious dishonesty and simple dishonesty entails that one of the following attendant circumstances in the commission of the dishonest acts are present:

Section 4. Circumstances Constituting the Administrative Offense of Less Serious Dishonesty.

....

a. The dishonest act caused damage and prejudice to the government which is not so serious as to qualify under Section 3 (a) of these Rules.

b. The dishonest act committed involves sums of money or government property and the respondent, who must not be an accountable officer as defined under these Rules, restitutes the same.

c. The respondent took advantage of his/her position in committing the dishonest act but not for personal gain or benefit;

d. The respondent did not take advantage of his/her position in committing the dishonest act but nonetheless resulted in his/her benefitting from such act.

e. Other analogous circumstances.

<sup>103</sup> CSC Resolution No. 06-0538 (2006), as amended by CSC Memorandum Circular No. 13 (2021).

Section 5. Circumstances Constituting the Administrative Offense  
of Simple Dishonesty

....

a. The dishonest act has no direct relation to or does not involve the duties and responsibilities of the respondent, or that the same did not cause damage or prejudice to the government, subject to the condition that the dishonest act does not constitute moral depravity penalized under Section 3(d) of these Rules.

b. In falsification of any official document, where the information falsified is not related to his/her employment, or when the falsification of official document did not cause damage or prejudice to the government, unless the dishonest act constitutes moral depravity as defined under these Rules.

c. The respondent did not take advantage of his/her position in committing the dishonest act, and that, such dishonest act did not result in any personal gain or benefit nor caused damage and prejudice to the government.

d. Other analogous circumstances.<sup>104</sup>

Here, petitioner Office of the Ombudsman asserts that the Court of Appeals erred when it found that respondent's dishonest act did not damage or prejudice the government and declared that respondent's acts only amounted to simple dishonesty.

This Court agrees.

The filing of a government employee's Personal Data Sheet and Statement of Assets, Liabilities and Net Worth are both required by the Civil Service Commission. These documents hold all the vital information regarding one's personal and work background, qualifications, and eligibility. Concealment of any piece of data cannot be said to be unrelated to one's employment<sup>105</sup> as these are requirements of the same.

In addition, respondent's dishonest acts caused damage or prejudice to the government, albeit not grave. While the intricacies of his marriage and family life may not affect the performance of his duties or cause detriment to the operations of his office, the nondisclosure was committed with full intention to conceal certain required facts from the government. Respondent argues that he concealed his marriage and children from his government document submissions as he did not want to make the issues of family public. Respondent's defense is not well-taken.

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<sup>104</sup> *Id.* at 3-4.

<sup>105</sup> *Advincula v. Dicen*, 497 Phil. 979 (2005) [Per J. Callejo, Sr., Second Division].

In *Villordon v. Avila*,<sup>106</sup> this Court held that the respondent's omission of her three children in her Personal Data Sheet submissions constitutes dishonesty amounting to misconduct. This Court held:

Whatever respondent's reasons may be, the fact remains that respondent filled out and signed her PDS fully aware that she had omitted the names of her three children. She was fully aware that the information she supplied was not "true, correct and complete," and yet she declared under oath that it is.

This Court has already ruled in the past that willful concealment of facts in the PDS constitutes mental dishonesty amounting to misconduct. Likewise, making a false statement in one's PDS amounts to dishonesty and falsification of an official document. The omission of the names of her children in her PDS is an act of dishonesty, which merits the imposition of penalties provided for under the law. Further, even as respondent knowingly provided incomplete information in her PDS, she signed the undertaking attesting that the same was true, correct and complete.<sup>107</sup> (Citations omitted)

As demonstrated in *Villordon*, it is without a doubt that the failure to file an accurate and truthful Personal Data Sheet and Statement of Assets, Liabilities and Net Worth puts one's integrity in question.<sup>108</sup> While some instances of dishonesty through misdeclaration will not automatically mete the penalty of dismissal, intentional and blatant misdeclarations, such as in this case, still damages the reputation of the government and the trust that the people repose on it.

Moreover, to conceal an existing marriage with an estranged wife is one thing, but to continuously hide the fact of having three children, with whom he has a moral and legal obligation, is another. As such, respondent Ventura is liable for less serious dishonesty.

Furthermore, the presence of misconduct cannot be denied.

Misconduct is committed when a public officer transgresses an established and definite rule of action through their unlawful behavior, recklessness, or gross negligence.<sup>109</sup> Any showing of corruption, clear willful intent to violate the law, or flagrant disregard of established rules transforms simple misconduct to grave misconduct.<sup>110</sup> Misconduct is the intent to commit a wrong.<sup>111</sup>

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<sup>106</sup> 692 Phil. 388 (2012) [*Per Curiam, En Banc*].

<sup>107</sup> *Id.* at 395-396.

<sup>108</sup> *Navarro v. Office of the Ombudsman*, 793 Phil. 453 (2016) [*Per J. Mendoza, Second Division*].

<sup>109</sup> *Domingo v. Civil Service Commission*, G.R. No. 236050, June 17, 2020 [*Per J. Lazaro-Javier, First Division*].

<sup>110</sup> *Id.*

<sup>111</sup> *Navarro v. Office of the Ombudsman*, 793 Phil. 453 (2016) [*Per J. Mendoza, Second Division*].

Here, respondent insists that his concealment of his wife and children was without malice and merely a lapse of judgment on his part. This Court is not convinced.

Respondent filed his Personal Data Sheets and Statement of Assets, Liabilities and Net Worth yearly, for eleven years, without indicating his wife and children. He signed the declaration on every document stating that all the information he provided were accurate, complete, and truthful. The matter of having a subsisting marriage which bore three children is not one that is open to interpretation.

In not disclosing the same, and willfully checking the box which stated that he was single, respondent knowingly submitted false and erroneous information in his official government documents. Such omission is clearly a case of simple misconduct and is certainly an intentional wrongdoing unbecoming of a government employee.<sup>112</sup> Respondent's argument that his actions were in good faith is of no moment, as the false information was declared repeatedly in the span of over a decade. His willful dishonesty on his Personal Data Sheet and Statement of Assets, Liabilities and Net Worth cannot be absolved by his supposed good faith.

It must be stressed that respondent is an attorney that holds a relatively high position in the Bureau of Customs. As a government official and a member of the Philippine Bar Association, he should have been more circumspect of his actions and aware that he is expected to set a good example to his subordinates and to society. His willful transgression in the filing of his Personal Data Sheet and Statement of Assets, Liabilities and Net Worth cannot be condoned.

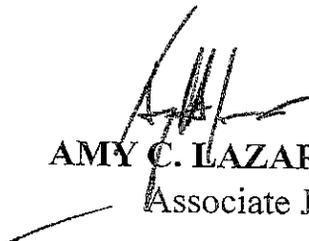
**WHEREFORE**, the Petitions are partially **GRANTED**. The Court of Appeals December 1, 2016 Decision and February 27, 2017 Amended Decision in CA-G.R. SP No. 146655 are **AFFIRMED** with the **MODIFICATION** that respondent Raymond Pinzon Ventura is found guilty of Less Serious Dishonesty and Simple Misconduct with a penalty of **SUSPENSION** of six (6) months and one (1) day without pay.

**SO ORDERED.**

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

<sup>112</sup> *Advincula v. Dicen*, 497 Phil. 979 (2005) [Per J. Callejo, Sr., Second Division].

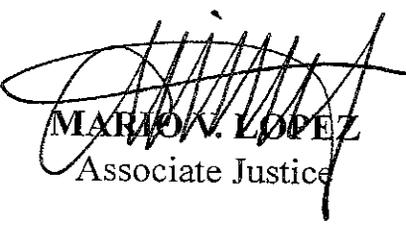
WE CONCUR:



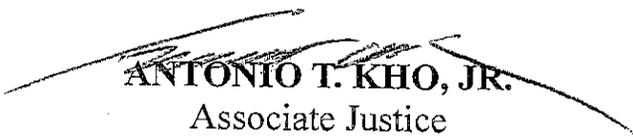
**AMY C. LAZARO-JAVIER**  
Associate Justice



**HENRIJEAN PAUL B. INTING**  
Associate Justice



**MARION V. LOPEZ**  
Associate Justice



**ANTONIO T. KHO, JR.**  
Associate Justice

**ATTESTATION**

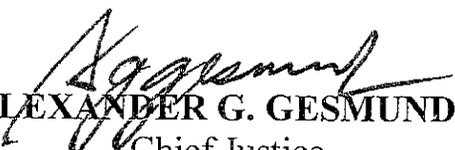
I attest that the conclusions in the above Decision had been reached in consultation before the cases were assigned to the writer of the opinion of the Court's Division.



**MARVIC M.V.F. LEONEN**  
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 cases were assigned to the writer of the opinion of the Court's Division.



**ALEXANDER G. GESMUNDO**  
Chief Justice

