



MILET, Violeta J.

Number: 150434

Re: Grave Misconduct;
Conduct Prejudicial to the Best Interest
of the Service
(Petition for Review)
(D-2015-03026)

Promulgated: 29 JUN 2015

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DECISION

Violeta J. Milet, Principal II, Baggao East Central School, Hacienda Intal, Baggao, Cagayan, through counsel, files an appeal (treated as a petition for review) from the Decision dated January 19, 2015 issued by the Civil Service Commission Regional Office (CSCRO) No. II, Tuguegarao City, which found her guilty of Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service, and imposed upon her the penalty of dismissal from service.

The dispositive portion of the Decision dated January 19, 2015 of the CSCRO No. II reads, as follows:

*"WHEREFORE, above premises considered, Violeta J. Milet, is hereby found guilty of the administrative offense of Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service. Accordingly, she is meted the penalty of **DISMISSAL** from the government service."*

In her appeal, Milet argued, as follows:

"The alleged defamatory utterances by the respondent were not passed upon by the Honorable Office a quo; hence the same issue is deemed waived. Assuming arguendo that the same had been uttered, it will fail by the categorical denial of Susan M. Singson.

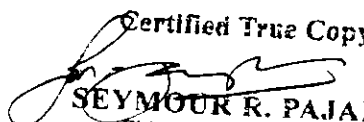
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"The initiative to undertake school projects and fund raising activities emanated from the Parents-Teachers Association (PTA) through a Board Resolution.

x x x

"The manner of collection was agreed upon by the PTA Officers collectively also through a Board Resolution.

x x x

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"The proceeds from school projects were remitted to the responsible officers.

x x x

"The complaint was crafted as a vendetta against the authority of herein respondent who wanted to rectify the shortcomings of the complainants as public school teacher.

x x x

"Considering that the collection was agreed upon on account of Board Resolutions and for the benefit of the school, the element of good faith must be appreciated.

x x x

"The imposition of dismissal from service is harsh and unconscionable.

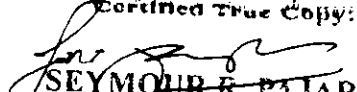
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"Wherefore, it is most respectfully submitted that the foregoing appeal be given credence together with its manifestation and motion, and that an order be issued reversing the decision of the Civil Service Commission Regional Office No. 02, Tuguegarao City. Reliefs just and equitable under the premises are likewise prayed for."

The instant case stemmed from the complaint filed by Marites D. Bunuan, Emiliana D. Peñaflorida, Donald A. Ibañez, Vivian M. Samoy, James R. Pasion, Aileen P. Raguindin, Marlita M. Pasion, Shirley D. Paraiso, Rodolfo M. Jose, Estrella A. Pasion, Hazel P. Villarico, Teo-Mar F. Mateo, Carmelita B. Roaquin and Imelda D. Centeno, all faculty members/teachers of the Baggao East Central School, against Milet. Complainants alleged that Milet uttered unsavory and derogatory remarks against them after the school's flag-raising ceremony last February 13, 2013, to wit:

"On February 13, 2013, just after our flag ceremony, she uttered indecent words to us in the presence of some pupils, some community members/parents and one barangay official saying 'UKININAYO AMIN A TEACHERS DITAY HACIENDA! PUNYETA KAYO AMIN. SAANAK A MABUTENG KADAKAYO. SANGWEN KAYO!' (All you teachers here at Hacienda are sons of a bitch! Damn you all! I am not afraid of you! I can face you all!)."

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In addition, complainants also claimed that appellant personally kept and subsequently disbursed several amounts of Parents-Teachers Association (PTA) contributions in violation of Section 2 (a) (e) of Department of Education (DepEd) Order No. 21 dated May 24, 2012¹.

Appellant denied the allegations against her in her answer.

Preliminary investigation was conducted. Finding a *prima facie* case, appellant was formally charged by the CSCRO No. II with Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service. In her answer, appellant denied the charges against her.

After hearing, appellant was found guilty of Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service, and was imposed the penalty of dismissal from the service. Her subsequent motion for reconsideration was denied in CSC Resolution dated February 3, 2015. Hence, the present appeal.

The issue is whether the CSCRO No. II correctly held appellant guilty of Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service and imposed upon her the penalty of dismissal from the service.

The Commission agrees with the finding of the CSCRO No. II that the defamatory remarks allegedly uttered by appellant towards the complainants/teachers during the school's flag ceremony were not sufficiently established. Thus, there is no basis to hold her administratively liable for said remarks.

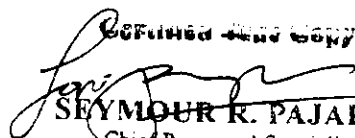
Meanwhile, there is a ground to hold appellant liable for personally safekeeping/receiving fees and PTA contributions, and allowing teachers in her school to collect fees from parents and pupils in violation of Section 2 (a) (e) of DepEd Order No. 21 dated May 24, 2012, which states:

"(a) No fees shall be collected from school children in Kindergarden up to Grade 4 anytime during the School Year (SY) 2012-2013.

x x x

¹ Revised Guidelines on the Opening of Classes

- (e) No teacher, school official nor school personnel shall collect fees or contributions, nor shall they be entrusted with the safekeeping and disbursement of collections made by the PTA pursuant to the Code of Ethics for Professional Teachers (as provided for in Article XI of Republic Act. No. 7836). Teachers shall not act, directly or indirectly, as agent of any commercial venture, nor shall they be financially interested, of which they can exercise official influence. Hence, teachers, schools officials and school personnel are prohibited from selling or requiring the purchase of locally-produced workbooks, instructional materials, test booklets, school supplies and other items.


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(Underscoring supplied)

Appellant herself admitted in her Counter-Affidavit dated June 27, 2013 that she allowed teachers to make collections from parents and pupils. Thus:

"As a school principal, I am aware of the fact that I am not authorized to impose any fees from the pupils, since we have an existing 'no collection policy' order from the Department. xxx In some cases though, there are times that teachers, since they are also members of the PTA, are authorized by the parents to collect for and in their behalf. Never did I collect or keep any funds of the PTA. The teachers authorized to collect only (sic) present to me for recording the collections and then remit them to the PTA treasurer and school treasurer." (Underscoring supplied)

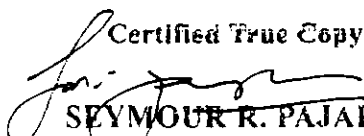
In addition, appellant acknowledged in her Answer dated October 4, 2013, the following:

"With respect to collections for SY 2011-2012, the undersigned (Milet) remitted to the PTA Treasurer and School Treasurer their respective funds that was remitted to her and for SY 2012-2013, the collections were directly paid to the School Treasurer." (Underscoring supplied)

Thus, the Commission subscribes to the findings of the CSCRO No. II, to wit:

"What is particularly disgusting and perplexing is the fact that Principal Milet professes the school's observance of the 'no collection policy' but performed no corrective act to admonish or at least call the attention of her teachers who are involved in collection activities. What is even more perturbing is the fact that she kept the money collected from the pupils before she remitted the same to the PTA treasurer and school treasurer."

The Commission also noted the following acts committed by appellant, to wit:

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"DepEd Order No. 21, series of 2012 provides further that the PTA may collect contributions starting August 2012 only after presenting to their members and to the school head/principal a report on Utilization of the Previous year's Collections and the SY 2012 Proposed Budget with Program of Activities. The amount of contributions to the PTA shall be agreed upon during the General Assembly pursuant to DepEd Order 54, series of 2006; and shall be concurred in by the school head/principal.

"This Office is baffled as to why Principal Milet allowed the PTA, through the teachers, to collect from the parents and pupils despite the fact that no report on utilization of the previous year's collection was presented to her. In addition, records of this case bear no information that Principal Milet concurred with the PTA as to the amount of contributions to be collected. Since no report was presented to Principal Milet and no concurrence was ever made by her, there is no basis therefore, for the PTA to make the subject collections. Logically, Principal Milet has no authority to hold the amount safely in trust even on the assumption that she is allowed to keep the collections for safekeeping purposes.

"Principal Milet's defense that all collections which she kept were remitted to the PTA and school treasurers does not exculpate her of said offense notwithstanding a finding that said collections may have been used fully in school projects. Principal Milet's accounting of funds from receipt to remittance does not convince this Office that she made a full accounting of funds in her possession down to the last centavo. There is simply no record of the supposed transparency which shows reconciliation of the amount which Principal Milet received vis-a-vis the amount she remitted to the PTA and school treasurers.

"The Code of Conduct and Ethical Standards for Public Officials and Employees (Republic Act No. 6713) enunciates, inter alia, the State policy of promoting a high standard of ethics and utmost responsibility in the public service. Section 4 (c) of the Code commands that '[public officials and employees] shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest.' The apparent and comprehensible intent of the law is to protect the public from officials and employees in public schools who are wanting in character, morality and integrity and to disassociate them from the service in order to imbue and permeate the well-entrenched principle that public office is a public trust."

In allowing teachers in her school to collect fees and contributions from parents and pupils, and receiving for safe-keeping the fees collected from parents and pupils before remitting the same to the PTA and School Treasurers, respectively, appellant transgressed/disregarded established rules of the DepEd, specifically Section 2 (a) (e) of

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DepEd Order No. 21 dated May 24, 2012 which prohibits teachers and school personnel from collecting fees or contributions, and entrusting for safe-keeping said collections. Her actuations also manifest the element of corruption since she kept the collected fees/money, without any record of transparency, such as a document to prove the reconciliation made of the amount which appellant received *vis-a-vis* the amount she actually remitted to the PTA and school treasurers. Verily, her transgression of existing DepEd rules and collecting fees without record to prove the same make her guilty of Grave Misconduct.

Misconduct is defined as "a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer". To be considered grave, the "misconduct must involve any of the additional elements of corruption, willful intent to violate the law or flagrant disregard of established rules, which must be proved by substantial evidence."²

Appellant is likewise liable for the offense of Conduct Prejudicial to the Best Interest of the Service, which refers to "an unwarranted act of an employee, which act unduly compromises or prejudices the best interest of the service or evinces lack of dedication or commitment to public service" (Cuanzon, Geraldine A., CSC Resolution No. 07-0853 dated May 3, 2007). In taking advantage of her position as Principal II, she unduly compromised the interest of public service. Verily, it also revealed her utter lack of dedication and commitment to her sworn duty as a public servant.

Appellant is reminded of **Section 1, Article XI of the 1987 Constitution**, which provides that "a public office is a public trust. It enjoins public officers and employees to serve with the highest degree of responsibility, integrity, loyalty and efficiency and to at all times remain accountable to the people".

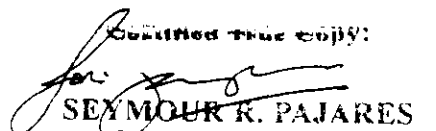
Considering that appellant is found guilty of Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service, reference must be made to **Section 50, Rule 10, Revised Rules on Administrative Cases in the Civil Service (RRACCS)** which states, as follows:

"Section 50. Penalty for the Most Serious Offense. – If the respondent is found guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances." (Underlining supplied)

Since appellant is liable for two (2) offenses, the penalty to be imposed upon her is that corresponding to the more serious charge of Grave Misconduct. Thus, the proper imposable penalty is the supreme penalty of dismissal from the service. Accordingly, the foregoing findings negate the allegation of appellant that the penalty imposed against her

² Civil Service Commission vs. Ledesma, G.R. No. 154521, September 30, 2005; Alcoba, Victor, CSC Resolution No. 97-0751, January 8, 1997.

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are harsh and unconscionable since these are based on existing Civil Service rules. Even the mitigating circumstance of good faith cannot be appreciated since the penalty imposed against her is an indivisible penalty.


WHEREFORE, the appeal of Violeta J. Milet, Principal II, Baggao East Central School, Hacienda Intal, Baggao, Cagayan, is hereby **DISMISSED**. Accordingly, the Decision dated January 19, 2015 issued by the Civil Service Commission Regional Office (CSCRO) No. II, Tuguegarao City, finding her guilty of Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service, and imposing upon her the penalty of dismissal from the service is **AFFIRMED**. It should likewise be stressed that the same penalty carries the accessory penalties of cancellation of Civil Service eligibility, forfeiture of retirement benefits (except accrued leave credits/terminal benefits and personal contributions to the GSIS, if any), perpetual disqualification from holding public office, and bar from taking civil service examination.

Copies of this Decision shall be furnished the Commission on Audit-Department of Education (DepEd) Regional Office No. II, the Office of the Ombudsman and the Government Service Insurance System (GSIS), for their reference and appropriate action.

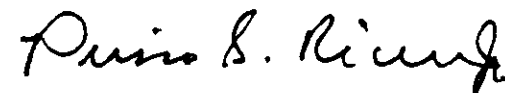
Quezon City.


ROBERT S. MARTINEZ
Commissioner

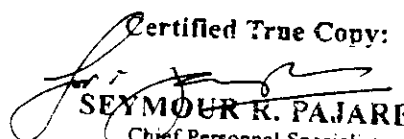
VACANT
Chairman


NIEVES L. OSORIO
Commissioner

Attested by:


DOLORES B. BONIFACIO
Director IV
Commission Secretariat and Liaison Office

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