

HASSAN, Dimalotang B.

Re: Dishonesty, Grave Misconduct and
Conduct Prejudicial to the Best
Interest of the Service

X-----X

RESOLUTION NO. 992638

Dimalotang B. Hassan, Municipal Treasurer, Municipality of Pantar, Lanao del Norte, was formally charged with Dishonesty, Falsification of Official Document and Conduct Prejudicial to the Best Interest of the Service. The Formal Charge dated May 22, 1996 reads, as follows:

"This Office, after a fact finding investigation finds that a prima facie case exists against you, MR. DIMALOTANG B. HASSAN of Pantar, Lanao del Norte, for Dishonesty, Falsification of Official Document and Conduct Prejudicial to the Best Interest of the Service, committed as follows:

'That in order to qualify for an appointment to the position of a Municipal Treasurer of Pantar, Lanao del Norte, you indicated on your Personal Data Sheet (CSC Form 212) that you were a BSC graduate at Jamiatul Phil. Al-Islamia in 1980-1981 and a 4th year BSE student in 1983 in the same institution. However, upon verification with the Commission on Higher Education, Region XII, it was confirmed that you, Mr. Dimalotang B. Hassan was neither a graduate of Bachelor of Science in Commerece in 1980-81 nor a fourth year BSE student in 1983 at Jamiatul Philippine Al-Islamia, Marawi City.'

"Wherefore, you are directed to submit your answer in writing and under oath together with the documentary evidence and supporting sworn statements of your witnesses if any, within

five (5) days from receipt hereof. In your answer you should state whether you elect a formal investigation or you waive your right thereto.

"You are likewise advised of your right to the assistance of the counsel of your choice."

X X X

Subsequent events show that the abovequoted formal charge was never received by the respondent and the same was returned to the Civil Service Regional Office No. 12 (CSRO 12) unclaimed.

In the Report of Investigation, dated August 11, 1999, Director Rogelio C. Limare of CSRO 12 narrated the following findings:

"A verification on the employment status of Hassan was made from the Municipal Mayor of Pantar. The said inquiry was, however, left unanswered. Subsequently, this Office verified from the Executive Director of the Bureau of Local Government Finance (BLGF). In a letter dated April 7, 1996 of Deputy Executive Director Angelina M. Magsino, BLGF, this Office was informed that Hassan died in January, 1998. To confirm this information , a verbal inquiry was made from the Human Resource Management Officer of the Municipality of Pantar by Atty. Luz Patricia F. Tanco, Attorney VI, this Office. She was informed that indeed Hassan has already died. To support the said information, a Certification was issued by Mamintal Hadji Serad, Municipal Civil Registrar of the Municipal of Pantar attesting that Hassan died on January 23, 1998 at Marantao Lanao del Sur. No death certificate was submitted since Muslims do not register the facts of death of their kins."

X X X

Considering the demise of the respondent, the instant case must be dismissed.

In **CSC Resolution No. 94-5972, dated November 3, 1994 (Re: LIMBA, Roque B.)**, the Commission ruled as follows:

"As a general rule, death of an employee, who is the subject of an administrative complaint, has the effect of terminating the case against him, since death is one of the mode of separation from the service."

Notwithstanding that Hassan was already formally charged prior to his demise, the case still has to be dismissed, because to proceed with the same would only be a mere waste of time and resources of the Commission. In a similar case, the Commission held:

"Death, however, has already sealed that outcome, foreclosing the initiation of disciplinary administrative proceedings, or the continuation of any then pending, against the deceased employees. Whatever may be said of the binding force of the Resolution of July 4, 1998 so far as, to all intents and purposes, it makes exoneration in the administrative proceedings a condition precedent to payment of back salaries, it cannot exact an impossible performance of decree a useless exercise. Even in the case of crimes, the death of the offender extinguishes criminal liability, not only as to the personal, but also as to the pecuniary penalties if it occurs before final judgment. In this context, the subsequent disciplinary proceedings, even if not assailable on grounds of due process, would be an inutile, empty procedure in so far as the deceased employees are concerned; they could not possibly be bound by any substantiation in said proceedings of the original charges: irregularities in the canvass of supplies and materials. The questioned orders of the Civil Service Commission merely recognized the impossibility of complying with the Resolution of July 4, 1998 and the legal futility of attempting a post-mortem investigation of the character contemplated." (CSC Resolution No. 99-2113, dated September 17, 1999 [Re: MAAGAD, Ernesto M.], citing GSIS vs. CSC, 202 SCRA 799)

WHEREFORE, the case against Dimalotang B. Hassan for Dishonesty, Falsification of Official Document and Conduct Prejudicial to the Best Interest of the Service is hereby dismissed.

Quezon City, December 02, 1999

(Sgd.) CORAZON ALMA G. DE LEON
Chairman

(Sgd.) THELMA P. GAMINDE
Commissioner

DID NOT PARTICIPATE
JOSE F. ERESTAIN, JR.
Commissioner

Attested by:

(Sgd.) ARIEL G. RONQUILLO
Director III