

ATTY. LETICIA L. NICOLAS, COMPLAINANT, VS. PRISCO L. RICAFORT, PROCESS SERVER, RESPONDENTS.

A.M. No. P-02-1579. August 28, 2003

Ponente: AZCUNA, J.

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AZCUNA, J.:

The present administrative case stemmed from a letter-complaint of Atty. Leticia L. Nicolas dated August 17, 2000 charging respondent Prisco L. Ricafort, Process Server of the Regional Trial Court of Manila, Branch 45, with Insubordination, Conduct Prejudicial to the Best Interest of the Service, Grave Misconduct and Violation of Republic Act No. 3019.

Complainant is the Branch Clerk of Court of the RTC of Manila, Branch 45, where respondent works as a Process Server. Complainant alleged that respondent committed acts of insubordination, often smokes outside, and in one incident, showed personal interest in the approval of a surety bond in a criminal case.

After deliberation on the complaint and respondent's comment thereto, the Office of the Court Administrator (OCA), in its Agenda Report dated January 25, 2002, found the charges of Insubordination and Violation of R.A. 3019 unsupported by substantial evidence. Hence, what remains for our resolution are the charges of Conduct Prejudicial to the Best Interest of the Service and Grave Misconduct.

Complainant related in her sworn letter-complaint that on August 4, 2000, an application for surety bond was filed for the release of the accused in Criminal Case No. 00-184543, entitled "People vs. Tian Pan y Tu," pending before their sala. However, on said date, the presiding judge was on leave, hence the approval of said bond was referred to the RTC of Manila, Branch 46, the pairing branch. Complainant, however, was informed that the presiding judge of Branch 46 had already left the office for a consultation with his doctor and thus could not act on the bond application. Later, the bondswoman representing the insurance company and the bond applicant went to complainant's office, where the bond applicant manifested that he had decided to withdraw his application. Complainant then assured them that she would act on the matter later in the day. The bondswoman and bond applicant then went out of the office. Unknown to complainant, respondent followed them outside to talk to them. Respondent allegedly facilitated the release of the approval of the bond by personally going to Branch 46 to ask for a certification that the presiding judge therein was out to see his doctor. At 4:45 p.m., to the surprise of complainant, respondent returned to her office, placed the case folder on her desk, and casually remarked, "Nagrelease ako," as heard by the other court staff members. She, therefore, filed the present administrative complaint, claiming among other things that respondent had shown personal interest in the aforementioned criminal case through his active participation in the approval of the bond and the consequent release of the accused without her knowledge and consent. To support her allegations, she attached to her complaint the affidavit of Marcelina Sandoval, clerk in the RTC of Manila, Branch 45.

In his brief comment, respondent stated that his act of helping in the release of the accused in the aforementioned criminal case was done only for the sake of good service, he being a public servant. He maintained that no

irregularity attended the release of the accused, and that no help was extended to the bondswoman.

In our resolution dated April 17, 2002, the instant complaint was docketed as an administrative proceeding, and the parties were required to manifest whether they were willing to submit the case for resolution based on the pleadings filed. On April 15, 2002, complainant wrote the OCA, withdrawing the instant complaint on the ground that the filing of the complaint only resulted from a misapprehension of facts and misunderstanding between the parties, and the fact that there existed then a friction between their presiding judge and the staff. On June 3, 2002, respondent filed a manifestation submitting the case for resolution based on the pleadings, attaching therewith the said withdrawal of the complaint filed by complainant.

On July 26, 2002, the OCA through Deputy Court Administrator Christopher Lock, as approved by Court Administrator Presbitero Velasco, recommended that the case proceed despite the withdrawal of the complaint, reasoning that a withdrawal of an administrative complaint against a public officer or employee cannot effect an exoneration of the public officer from administrative disciplinary action, in the interest of maintaining the people's faith and confidence in the government and its instrumentalities. It found that respondent's act of facilitating the approval of the surety bond was not within his functions as process server, and that the peculiar circumstances attending the approval of the surety bond, as shown by respondent's overzealousness, warrant administrative sanctions. It thus found respondent liable for Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service. Considering, however, that respondent's act of extending help to the bondswoman appeared to have been done without consideration, and complainant's admission that there was a misunderstanding and friction in their office then, the OCA recommended the reduction of the fine from P5,000, the amount it previously recommended in its Agenda Report, to P1,000.

Respondent's act of suspicious overzealousness in facilitating the bond approval, as found by the OCA, indeed showed respondent's personal interest in the criminal case. It is difficult to believe that he was only trying to be of assistance. He ought to know that it is not within the scope of his functions as a process server to facilitate the approval of bonds and to release an accused party to a case, as this duty belongs to the clerk of court. As correctly found by the OCA, his act of interference consequently preempted complainant from exercising this duty. We also take notice of respondent's arrogance and disrespect when he nonchalantly admitted to complainant his usurpation of the latter's functions.

The point cannot be overemphasized that everyone in the judiciary, from the presiding judge to the clerk, bears a heavy responsibility for the proper discharge of his duty, and it behooves each one to steer clear of any situation in which the slightest suspicion might be cast on his conduct. Any misbehavior, whether true or only perceived, is likely to reflect adversely on the administration of justice.[1] Respondent herein failed to live up to this standard of ethical conduct. Although there is no proof that he benefited from his participation in the approval of the bond and the eventual release of the accused in the aforecited criminal case, his integrity was placed in serious doubt when he took an undue interest in the case.

We, however, disagree with the finding by the OCA that respondent committed Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service, as there is no proof of dishonesty or deliberate misrepresentation in this case. In *Racasa v. Collado-Calizo*,[2] a court employee who similarly displayed personal interest in a case by interfering with the clerk of court's duty, although without proof of consideration, was found to have committed Simple Misconduct. In that case, we imposed a fine of P5,000, considering that respondent therein went to the extent of misrepresenting herself. In the case at bar, given that there was no proof of consideration nor any finding of dishonesty, we find the amount of P2,000 appropriate.

WHEREFORE, respondent process server PRISCO L. RICAFORT is found GUILTY of Simple Misconduct for

which he is FINED Two thousand pesos (P2,000), with the STERN WARNING that the commission of a similar act will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Vitug, Ynares-Santiago, and Carpio, JJ., concur.

[1] *Racasa v. Collado-Calizo*, A.M. No. P-02-1574, April 17, 2002.

[2] *Ibid.*

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