

**BALDOMERO DE VERA SOLIMAN, JR., COMPLAINANT, VS.
PRINCESITO D. SORIANO, PROCESS SERVER, MTC, MUÑOZ, NUEVA
ECIJA, RESPONDENT.**

A.M. No. P-03-1705 [Formerly OCA IPI No. 01-1120-P]. September 02, 2003

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

This is an administrative complaint by Baldomero De Vera Soliman, Jr., against Princesito "Efren" Soriano, Junior Process Server of the Municipal Trial Court (MTC) of Muñoz, Nueva Ecija, for conduct prejudicial to the best interest of the service.

Due to the conflicting versions of the parties as to what really transpired on January 12, 2001, when the act complained of allegedly occurred, we adopted the recommendation[1] of the Office of the Court Administrator (OCA) that the matter be referred to Executive Judge Cholita B. Santos of the Regional Trial Court of Sto. Domingo, Nueva Ecija, for investigation, report and recommendation.[2]

The investigation disclosed that:

At around 4:00 p.m. of January 12, 2001, Princesito Soriano went to Maragol, Muñoz, Nueva Ecija, to serve summons to Jose Gravidez, complainant's father-in-law, as well as Vicente Lumabao and Virginia Lumabao, complainant's neighbors.[3]

After serving a copy of the summons to Virginia Lumabao, respondent then asked Renato Lumabao, Virginia's husband, to accompany him to the Gravidez compound to serve a copy of said summons to Jose Gravidez. The Gravidez family lived immediately next door to the Lumabaos, with only a fence separating their properties. Renato agreed to accompany Soriano, but said he was uncertain whether Jose was at the Gravidez residence. Renato added, however, that Jose's children, Tito and Heidy Gravidez, were there.[4]

Upon entering the Gravidez compound, Renato saw complainant and his wife, Heidy Gravidez. Renato announced their entrance with "Kuya Val, somebody is looking for Mamang Jose." [5] The complainant greeted Soriano, "Magandang hapon po! Sino po sila?" [6] (Good afternoon, sir! May I know who you are?) The respondent, however, rudely replied, "Ah, hindi ikaw ang kailangan ko dito. Sampid ka lang. Anak ang kailangan ko!" (I have nothing to do with you. You are a nobody here. I need to see a child of [Mr. Jose Gravidez]). Complainant's wife retorted, "Anong sampid? Anak din naman ako ah, may karapatan kami sapagkat kami ang nakatira dito" [7] (What do you mean he's a nobody? I am also a child [of Jose Gravidez], we have a right [to know your business here] because we live here).

While the foregoing verbal tussle was going on, Renato saw Tito Gravidez under a mango tree about 85 feet away. [8] Renato accordingly informed the respondent. [9] Without permission, [10] respondent proceeded to where Tito was. The respondent introduced himself to Tito as Efren Soriano [11] and said he was serving summons for his father, Jose Gravidez. Tito replied that his father was not there but Soriano insisted that Tito receive the

summons. Initially, Tito was receptive to the idea,[12] and accepted the papers. The complainant, however, joined them and asked to see the documents, which the respondent had given Tito. The complainant scrutinized the summons and complaint sheet[13] and noticed that the receipt stamp-mark thereon bore no date and the recipient's signature contained markings of correction fluid. The complainant then told Tito not to sign the summons and addressed the respondent, "Baka peke! Tunay ka ba?" (This might be fake! Are you real?) The respondent heatedly replied, "Kanina ka pa ah! Tumahimik ka diyan!"[14] (You've been interfering! You keep quiet!) The respondent then told Tito he would just leave the papers,[15] uttering "Receive this summons and whether you will receive it or not the hearing will pursue." [16]

Respondent then moved a short distance away and using his mobile phone, called one Irene P. Fueconcillo, the Office-In-Charge/Clerk of Court of the MTC of Muñoz, Nueva Ecija. The respondent claimed he did this to prove he had authority to serve the summons. Irene Fueconcillo instructed the respondent to advise the complainant to go to the MTC to verify the summons. The respondent asked complainant to talk with Irene on the phone. The latter refused to talk to Irene but continued to argue with him. This caused the respondent to sneer, "What? What do you think of me, an NPA[*]?"

The complainant then ordered Tito to call the Barangay Captain.[17] On hearing this, the respondent remarked, "Sige, tawagin mo si Kapitan, pag-uumpugin ko kayo"[18] (Go ahead, call the Captain, I will knock both your heads together). The respondent then began walking out of the compound.[19] When the complainant followed, respondent uttered, "Kung wala ka lang dito sa Maragol, may nangyari na sa iyo"[20] (Had you not been here at Maragol, something [bad] would have happened to you). He boarded his service vehicle and drove off.[21] Shortly after the respondent left, some Bantay Bayan members arrived and told the complainant to see the Barangay Captain as the respondent was there, complaining of harassment.[22]

Before the Barangay Captain, the respondent cursed the complainant and accused him of being ill mannered by saying, "Tama ka na, marami ka pang sinasabi" (Stop it, you talk too much). Complainant thought it was impossible to settle their rift and asked permission to leave. The following day, complainant caused the incident to be entered in the police blotter.[23]

The complainant also wrote a Letter-Complaint[24] to the Court Administrator, attaching the Letters[25] of his wife, Heidy Gravidez, and a neighbor, Renato Lumabao, to support his averments. He then filed a case for Grave Threats against respondent, which is currently pending before the MTC of Muñoz. The complainant claimed that the MTC Clerk of Court disclosed to him that there were other pending cases against the respondent for Grave Threats.[26]

Respondent denied making threats or hurling insults at the complainant. He claimed that he was simply at the Gravidez place to serve a court process. [27] Respondent claimed that he was familiar with Tito as he had once gone to his house to serve a subpoena to Tito's sister-in-law at Bantug, Muñoz.[28] Hence, he had every reason to go straight to Tito to serve the summons, even if the complainant tried to prevent him from going any further inside the Gravidez compound.

In her investigation report, the investigating judge found that the respondent indeed made a series of derogatory remarks to the complainant while trying to serve the summons. We find said findings of Judge Santos to be supported by the records. While respondent denied that he uttered disrespectful and even threatening words to the complainant, he admitted that he had a heated argument with the complainant.[29] As experience shows, angry arguments are not characterized by polite speech. In fact, Soriano admitted that on hearing the complainant narrate his version of the incident before the Barangay Captain, he shouted "Tama na yan! Kanina ka pa talaga!" and hit the table with his fist.[30] He added, however, that he apologized to the Barangay Captain for having done

"something not pleasant." [31]

After careful evaluation of the factual circumstances, we find no reason for the respondent to show disrespect to the occupants of the Gravidez residence, particularly to the complainant. He may have been irritated by the manner by which the complainant introduced himself but in serving a court process, a judicial employee should be aware of the varieties of possible reactions of the recipients. An inquiry as to the validity of the papers he is carrying and even as to his identification as a court employee is not to be unexpected. Such inquiry is an act of prudence and foresight on the part of the person receiving the summons, more so when there are apparent deficiencies on the face of the document, such as lack of signatures or suspicious erasures, as in this case. Any doubt as to the respondent's identity and official position could have been addressed by simply presenting his identification card without harsh exchange of words.

The conduct and behavior of everyone connected with an office charged with the dispensation of justice is circumscribed with a heavy burden or responsibility. [32] This Court has repeatedly stressed that the image of a court, as a true temple of justice, is mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and lowest of its personnel. [33] Judicial personnel are expected to be living examples of uprightness in the performance of official duties to preserve at all times the good name and standing of the courts in the community. They should refrain from the use of abusive, offensive, scandalous, menacing or otherwise improper language, but instead should act with prudence, restraint, courtesy, dignity, [34] propriety and decorum. [35] Such conduct is exacted from them so that they will earn and keep the public's respect for and confidence in the judicial service. [36]

Arguing heatedly with a relative or other person found within the residence or place where the person to be served summons would be found is undignified behavior. This act taints the good image of the judiciary. It displays uncivil attitude concerning the seriousness and dignity with which court business should be treated. Judicial employees are expected to accord due respect, not only to their superiors, but to other persons at all times. High-strung and belligerent behavior has no place in government service, even when confronted with rudeness and insolence [37] as it quickly and surely corrodes respect for the courts. [38] A process server, being a judicial employee, is expected to act with prudence, restraint, courtesy, and dignity. [39] Deviation from these salutary norms undeniably constitutes misconduct prejudicial to the best interest of the service. It cannot be excused even by a strongly held conviction of respondent that he was the one grievously wronged.

Under the Personnel Manual of the Supreme Court, conduct prejudicial to the best interest of the service constitutes violation of the Civil Service Rules.

We note that this is not the first time that the respondent has been in an administratively charged. In our resolution, dated March 28, 2003, we found the respondent guilty of Gross Discourtesy, a less grave offense, and suspended him for Six (6) Months without pay for his failure to observe strict propriety and decorum towards the Judge and his fellow court personnel. He was admonished to be more circumspect in the performance of his functions and sternly warned that the commission of similar acts in the future shall be dealt with more severely by this Court. A more severe penalty than the minimum is, thus, in order.

WHEREFORE, PRINCESITO D. SORIANO, Process Server, MTC of Muñoz, Nueva Ecija is found **LIABLE** for conduct prejudicial to the best interest of the service, and he is hereby **SUSPENDED** for Nine (9) Months, without pay, with a **STERN** and **FINAL WARNING** that a repetition of the same or similar infractions in the future shall be dealt with most severely.

SO ORDERED.

Bellosillo, (Chairman), Austria-Martinez, Callejo, Sr., and Tinga, JJ., concur.

[1] Rollo, p. 14.

[2] Id. at 15.

[3] Id. at 347.

[4] Id. at 354.

[5] Id. at 168.

[6] Id. at 170.

[7] Id. at 6.

[8] Ibid.

[9] Id. at 277.

[10] Id. at 187.

[11] Id. at 172.

[12] Id. at 350.

[13] Id. at 142.

[14] Id. at 7.

[15] Id. at 279.

[16] Id. at 142.

[*] The respondent was referring to the New People's Army, whose armed groups are active in the Nueva Ecija area.

[17] Rollo, p. 141.

[18] Id. at 196.

[19] Ibid.

[20] Id. at 8.

[21] Id. at 197.

[22] Id. at 224-225.

[23] Id. at 146.

[24] Id. at 6.

[25] Id. at 9-12.

[26] Id. at 148.

[27] Id. at 346.

[28] Id. at 350.

[29] Id. at 268.

[30] Id. at 251.

[31] Ibid.

[32] Judge Marbas-Vizcarra v. Soriano, A.M. No. P-01-1491, 28 March 2003, p. 8.

[33] Re: Administrative Matters, OCA IPI No. 97-228-P (Judge Rafael P. Santelices v. Samar, Utility Aide, RTC Court-Library, Legazpi City) and OCA IPI No. 97-383-P (Judge Rafael Santelices v. Samar, of the same station), A.M. No. 00-1394, 15 January 2002, 373 SCRA 78, 82.

[34] Supra, note 30.

[35] Quiroz v. Orfila, A.M. No. P-96-1210, 7 May 1997, 272 SCRA 324, 330.

[36] Id. at 331.

[37] Ibid.

[38] Ibid.

[39] Judge Marbas-Vizcarra v. Soriano, supra, citing Caguioa v. Flora, A.M. No. P-01-1480, 28 June 2001, 360 SCRA 12, 18-19.

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