

**COL. MAURICIO A. SANTIAGO, JR. (RET.), COMPLAINANT, VS.
ARTHUR M. CAMANGYAN, PROCESS SERVER, REGIONAL TRIAL
COURT, BRANCH 29, TOLEDO CITY, RESPONDENT.**

A.M. No. P-11-2977 (Formerly OCA IPI No. 09-3254-P). September 14, 2011

Ponente: MENDOZA, J.

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MENDOZA, J.:

This administrative case arose from a letter-complaint filed by Col. Mauricio A. Santiago, Jr. (Ret.) (complainant) on September 17, 2009 with the Office of the Court Administrator (OCA) charging Arthur M. Camangyan (respondent), Process Server, Regional Trial Court, Branch 29, Toledo City (RTC), with neglect of duty relative to Civil Case No. T-2083.

In his letter,[1] complainant alleged that he was the respondent in the aforesaid case for Declaration of Nullity of Marriage; that Judge Cesar O. Estrera (Judge Estrera), RTC Presiding Judge, issued a Notice setting the pre-trial conference and pre-trial of the said case on August 13, 2009 at 2:00 o'clock in the afternoon; that respondent intentionally, deliberately and with malicious intent did not serve him a copy of the notice but his wife and her counsel were duly furnished a copy thereof; that had he not telephoned Judge Estrera on August 7, 2009 at around 2:30 o'clock in the afternoon, he would not have known of the scheduled pre-conference and pre-trial; that justice would have been denied him because of the deliberate, malicious and corrupt act of respondent; and that respondent might tamper or steal the evidence he already submitted to the court in support of his defense.

In its 1[st] Indorsement[2] dated October 5, 2009, the OCA directed respondent to comment on the letter-complaint.

In his counter-affidavit,[3] respondent denied the allegations for being speculative, fallacious and baseless. He asserted that the complaint was an overreaction and an unnecessary display of temper and superiority. Respondent claimed that, most of the time, complainant would demonstrate arrogance as manifested in his Answer to the Complaint in Civil Case No. T-2083 and when complainant showed him his firearm after he served the summons. Respondent averred that his failure to serve a copy of the notice to complainant was not deliberate and malicious. He explained that he was supposed to personally serve a copy of the notice the following day but he was told by Judge Estrera that there was no need to serve the notice since he already informed the complainant of the scheduled hearing. He further averred that his presence in the office, at that time, was necessary because the Supreme Court was conducting a judicial audit in connection with the retirement of Judge Estrera.

As to the allegations of corruption, tampering and stealing of evidence, respondent countered that these were unsubstantiated, outrageous and a clear manifestation of distrust in the court. He claimed that after complainant's Answer was received by the court on April 14, 2009, it was attached to the records of the case and there was no way for him to steal or tamper it.

In its Report[4] dated May 2, 2011, the OCA opined that respondent was guilty of simple neglect of duty and recommended that he be fined in the amount of One Thousand Pesos (P1,000.00) with a stern warning that a

repetition of the same or similar act in the future will be dealt with more severely.

The Court opts to give the respondent the benefit of the doubt and deems that no penalty be imposed upon him.

As a process server, it is the duty of respondent to ensure that court notices are promptly served upon the parties. Given the nature of his duty, respondent must perform his assigned tasks with dedication, efficiency and utmost responsibility.[5] In the case of *Alvarez v. Bulao*,[6] the Court expounded on the importance of the role of a process server, thus:

The duties of process servers are vital to the machinery of the justice system. Utmost care is required in the performance of their functions. They must see to it that summonses, writs and other court processes are duly and expeditiously served upon the parties, consistent with the constitutional mandate of speedy and fair dispensation of justice. To be sure, the wheels of justice will not run without the cooperation of court personnel composed of, among others, process servers. Thus, there is no room for any lackadaisical attitude that would show inefficiency and incompetence.

In the present case, respondent admitted that he failed to serve the Notice of Pre-Trial Conference and Pre-trial to complainant. He explained, however, that he was instructed by Judge Estrera not to serve the notice to complainant anymore because the latter was already informed through their phone conversation of the scheduled hearing and that his presence in the office was indispensable in view of the judicial audit that was being conducted by the Supreme Court personnel. With the Judge himself directing respondent not to serve the notice anymore, he could not do otherwise. To disregard the instruction of the Judge might be considered as insubordination.

Under the circumstances, the Court considers his failure as not deliberate and malicious.

Nevertheless, respondent is reminded to perform his duty diligently for the orderly administration of justice. There is a need to serve the notice on the complainant not only to make the act official but also to enable him to make the proper return to reflect what transpired. The possibility that the complainant might deny that he had been so informed by the Judge is not remote. Next time, the Court will not be as tolerant and will not hesitate to impose the proper sanctions should he neglect to perform his duties in the future.

WHEREFORE, respondent Arthur M. Camangyan, Process Server, Regional Trial Court, Branch 29, Toledo City, is hereby ADMONISHED for his failure to perform his duty with a WARNING that a repetition of the same or similar act in the future would be dealt with more severely.

SO ORDERED.

Velasco, Jr., (Chairperson), Peralta, Abad, and Sereno,[*] JJ., concur.

[*] Designated as additional member of the Third Division per Special Order No. 1028 dated June 21, 2011.

[1] Rollo, pp. 2-3.

[2] Id. at 11.

[3] Id. at 13-16.

[4] Id. at 30-32.

[5] *Carreon v. Ortega*, A.M. No. P-05-1979, November 27, 2006, 508 SCRA 136, 144.

[6] 512 Phil. 26, 32 (2005).

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