

GILBERT CATALAN, COMPLAINANT, VS. REYNALDO B. UMALI, PROCESS SERVER, RESPONDENT.

A.M. No. P-99-1300. June 23, 2000

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a333363916c9/>

MENDOZA, J.:

This is a complaint filed by Gilbert Catalan against respondent Reynaldo Umali, process server of the Regional Trial Court, Branch 166, Pasig City, for falsifying the officer's return filed by him on November 2, 1994 in Civil Case No. 64795.

Complainant is the executive secretary of North East Greenhills Association, Inc. (NEGA), which was one of the defendants in Civil Case No. 64795 for annulment and cancellation of titles. The complaint as well as the summons gave NEGA's address as No. 101 Connecticut Street, Greenhills, Mandaluyong City ("No. 101 Connecticut Street"). Respondent was entrusted with the service of the summons on NEGA at said address. In his return,[1] he stated the following:

Pursuant to the Order of the Honorable Court dated 28th day of October 1994, I have served a copy of summons together with complaints and its annexes, Order dated October 28, 1994, issued by this Court in the above-entitled case, that was served on the 2nd day of November 1994, to defendant NorthEast Greenhills Association, Inc., located at No. 101 Connecticut Street, Greenhills, Mandaluyong City, but, to no avail for the reason that the said few of the person were present when the service was rendered.

When the undersigned proceeded at the said place NorthEast Greenhills Association, Inc., No. 101 Connecticut Street, Greenhills, Mandaluyong City, per information relayed by certain Gina Maravillas, one of the incharge of the office or place of business maintain therein who refused to affix the signature but acknowledged receipt thereof.

However, on the same date said summons together with complaints and its annexes, duplicate certified true copy of Order dated 28th day of October was resorted to in accordance with and pursuant to Rule 14, Section 7, 8(a)(b) and 9 of the Revised Rules of Court by leaving or tendering a copy of summons together with complaints and its annexes with the Order thru Gina Maravillas, who is competent in charge thereof who refused to affix the signature, but acknowledged receipt thereof.

Wherefore, said summon and Order is hereby returned to the Honorable Court DULY SERVED for its record and its information.

Complainant alleged, however, that No. 101 Connecticut Street was not NEGA's address. Nemesio Co, a member of NEGA's board of directors, testified that this had been the address of the association's first president and served as its office only at the time of its organization.[2] Since then, NEGA had moved to its present address at Nega Park, La Salle and Postdam Street, Greenhills, San Juan, Metro Manila. Complainant averred that respondent served summons on NEGA at the wrong address and falsely stated in his officer's return that a certain Gina Maravillas, a fictitious person, received the summons for NEGA. In a joint affidavit[3] subsequently executed by

complainant and Nemesio Co, it was claimed that respondent did not even go to No. 101 Connecticut Street and merely made up what he stated in his officer's return. Complainant alleged that because of the false return, NEGA was declared in default for failure to answer and lost the case.[4] He thus prayed that respondent be dismissed as process server.

Respondent denied that he falsified the subject officer's return. Claiming regularity in the performance of his duties, he maintained that as stated therein, he served the summons on NEGA at No. 101 Connecticut Street, as the address stated in the summons. He claimed that he was able to find said address with the help of a security guard and that the one who received the summons was a woman who introduced herself as Gina Maravillas, who assured him that she was an employee of NEGA authorized to receive court processes for the association. According to respondent, he gave the summons, together with the complaint and its annexes, to the woman but the latter, in the presence of some other persons in the office, refused to sign and acknowledged receipt of the summons. Respondent claimed that, as a result, he was constrained to resort to substituted service of summons by considering said Gina Maravillas as a competent person in charge of the NEGA office.[5] In a supplemental affidavit,[6] respondent claimed that NEGA in fact was able to file its answer in Civil Case No. 64795 and that, as shown in the trial court's decision,[7] NEGA actually won the case.[8]

It appears that NEGA was not really declared in default and did not really lose the case, as complainant, a layman, claimed, but only that, at the hearing on November 23, 1994 for the issuance of a writ of preliminary injunction, NEGA failed to appear and the plaintiffs were allowed to adduce evidence ex-parte.[9] As prayed for by the plaintiffs, a writ of preliminary injunction was thus issued against NEGA.[10] But, in the end, NEGA won that case.

This case was referred to the Executive Judge, Regional Trial Court, Pasig City for investigation, report and recommendation.

On March 30, 2000, after hearing, Judge Rodolfo R. Bonifacio submitted his report finding that as charged, respondent falsely stated in his return that he had served summons on NEGA at No. 101 Connecticut Street. The report also quoted portions of respondent's testimony to show that the same is implausible and seriously inconsistent. Finally, the report stated that respondent's reliance upon contradictory modes of service showed either his bad faith or his incompetence. Judge Bonifacio recommended that respondent be given a reprimand with warning.[11]

Except as to the penalty, we find the recommendation well-taken.

First. It has indeed been shown that at the time summons was allegedly served on NEGA at No. 101 Connecticut Street, it was no longer holding office there, as the house at that address was by then already an antique shop. Furthermore, respondent failed to show that Gina Maravillas, on whom he allegedly served the summons, was not a fictitious person.

Second. As noted by the investigating judge, the contents of the officer's return prepared by respondent are not only vague and implausible but also replete with inconsistencies which respondent failed to explain. For instance, in paragraph 1 thereof, he stated that he went to No. 101 Connecticut Street to serve the summons on NEGA "but to no avail" for the reason that few persons were present there. Despite the clear import of such statement, respondent maintained during the cross-examination that he was able to serve summons upon NEGA. The following is his testimony:

Q In other words, you served the Summons and annexes and the Order dated October 28, 1994 to no avail? For the reason that the said few of the person were present when the service was rendered, is that correct?

A Yes, sir.

Q So on this date, no proper service of summons was effected, that is on November 2, 1994?

A I served the summons.

Court:

Did you get the question? Because according to you, you served it to no avail?

A I served the summons thru Gina Maravillas.

Q When you said to no avail, does it mean that you have not served the summons yet?

A I had served the summons.

Q What do you mean when you said you tried to serve the summons but to no avail?

A Because of few persons I served the summons. There were no other persons except Gina Maravillas.[12]

The foregoing statements do not make sense at all. Also, as shown by the above transcripts, respondent contradicted himself again when, initially, he said that there were "few" persons at No. 101 Connecticut Street but later claimed that "there were no other persons except Gina Maravillas." Later still, he reversed himself and said again that there were other persons at No. 101 Connecticut Street, "but they were inside the office." [13] Finally, respondent also stated in his comment that Gina Maravillas introduced herself to him as an employee of NEGA "duly authorized to receive all court processes, for and in behalf of the association." [14] However, such claim of authority is conspicuously absent in his testimony in which he said Gina Maravillas introduced herself merely as a secretary of the association. [15]

Respondent's testimony, therefore, must be rejected for being inconsistent and implausible. The Court is convinced that the return submitted by respondent was false. Whether or not respondent actually went to No. 101 Connecticut Street is no longer material because, in either case, it was impossible for him to effect service of summons at that address for the simple reason that by then, No. 101 Connecticut Street was no longer the association's address. Also, as far as the available evidence is concerned, Gina Maravillas is a non-existent person. These render futile respondent's claim of good faith in the performance of his official duties. Such falsification of the return is a grave misconduct punishable by dismissal. However, it does not appear that, in making the false return, respondent's purpose was to favor the plaintiffs in the case or deprive NEGA of the right to be heard. It may have been that due to respondent's fault, NEGA was unable to oppose in the application for the issuance of a writ of preliminary injunction, but it was able to file an answer and actually won that case. Considering that this is respondent's first administrative case, we are inclined to impose on him a lesser penalty than would otherwise be warranted.

WHEREFORE, respondent is **SUSPENDED** from office without pay for a period of six (6) months and warned that repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Bellosillo, (Chairman), Quisumbing, Buena, and De Leon, Jr., JJ., concur.

[1] Rollo, p. 3.

[2] TSN, p. 8, June 22, 1999.

- [3] Exhibit "A"; Rollo, p. 20.
- [4] Complaint, p. 2; Id., p. 2.
- [5] Comment, pp. 1-2; Id., pp. 7-8.
- [6] Exhibit 2; Id., p. 26.
- [7] Exhibit 7; Id., pp. 43-46.
- [8] Exhibit 7-C; Id., p. 46.
- [9] Exhibit "B-1"; Id., p. 54.
- [10] Exhibit "B-2"; Id., p. 55.
- [11] Report and Recommendation, pp. 4-9.
- [12] TSN, pp. 11-12, July 6, 1999. (Emphasis added.)
- [13] Id., at pp. 13-14.
- [14] Rollo, p. 7.
- [15] TSN, p. 13, July 6, 1999.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.