

VICTOR CHAN, COMPLAINANT, VS. ISABELO P. CASTILLO, DEPUTY SHERIFF, REGIONAL TRIAL COURT, BRANCH 12, SANCHEZ MIRA, CAGAYAN, RESPONDENT.

A.M. No. P-94-1055. November 25, 1994

Ponente: QUIASON, J.

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QUIASON, J.:

This is an administrative complaint filed against Deputy Sheriff Isabelo P. Castillo of the Regional Trial Court, Branch 12, Sanchez Mira, Cagayan for his failure to serve and make a return of the summons to Civil Case No. 10175 before the Regional Trial Court, Branch 16, Laoag City.

I

Sometime in December 1992, complainant instituted an action against Atty. Carlos Sagucio, a resident of Sanchez Mira, Cagayan, with the Regional Trial Court, Branch 16, Laoag City and docketed as Civil Case No. 10175.

The summons was sent by mail to the sheriff of the Regional Trial Court, Branch 12, Sanchez Mira, Cagayan, to be served on the defendant in Civil Case No. 10175. It was received in Sanchez Mira about the third week of December 1992 and found its way on the office table of respondent.

As the case had not been set for pre-trial conference after the lapse of 15 months, on March 14, 1994, complainant inquired from the clerk of court of the Regional Trial Court, Branch 16, Laoag City if summons had already been served (Rollo, p. 13). The clerk of court confirmed that summons was mailed for service to the sheriff of the Regional Trial Court, Branch 12, Sanchez Mira, Cagayan with the corresponding sheriff's fee of P100.00 through postal money order. However, the return card of the mail containing the summons had not been received; neither had the sheriff submitted his return (Rollo, p. 14).

On May 3, 1994, complainant filed the instant complaint, alleging that respondent and Atty. Sagucio were in connivance to avoid the service of summons to the latter (Rollo, p. 12).

In his comment, respondent claimed that about the third week of December 1992, somebody placed the copy of the summons on top of his desk. He repeatedly tried to serve the same but to no avail because Atty. Sagucio was in Manila and later went abroad.

Respondent attributed his failure to serve the summons to the absence of Atty. Sagucio and the lack of information regarding the possible return of Atty. Sagucio. In the meantime, he "lost interest xxx in inquiring time and again" when Atty. Sagucio would return from abroad (Rollo, p. 4). Subsequently, repairs were done in his office and in the process respondent lost the summons. He was only reminded thereof when he learned of the instant complaint, prompting him to serve the summons on June 20, 1994 (Rollo, p. 8).

II

Respondent's behavior constitutes gross negligence to the great prejudice of the orderly administration of justice. He was utterly remiss in the performance of a ministerial duty of serving the summons. His excuse that Atty. Sagucio was always out of town is not tenable for the law allows substituted service. We cite Section 8, Rule 14 of the Revised Rules of Court, which provides:

Substituted service. - If the defendant cannot be served within a reasonable time as provided in the preceding section, service may be effected (a) by leaving copies of the summons at the defendant's dwelling house or residence with some person of suitable age and discretion residing therein, or (b) by leaving the copies at defendant's office or regular place of business with some competent person in charge thereof.

Moreover, Section 6 thereof mandates the server, in this case respondent, to make a return. In both instances, respondent neglected to observe the fundamental rules.

Every officer or employee in the Judiciary is duty bound to obey the orders and processes of the court without the least delay (*Pascual v. Duncan*, 216 SCRA 786 [1992]), and to exercise at all times a high degree of professionalism in the performance of his duties.

WHEREFORE, respondent is FINED P5,000.00 for gross neglect of duty and conduct prejudicial to the best interest of the service, payable within thirty (30) days from receipt hereof, with a WARNING that a repetition of the same or of acts calling for disciplinary action will be dealt with more severely.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., Bellosillo, and Kapunan, JJ., concur.

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