

**RELIWAYS INC. REPRESENTED BY: AURELIO P. VENDIVEL, JR.,
COMPLAINANT, VS. LAMBERTO P. GRANTOZA, PROCESS SERVER,
METC, BR. 62, MAKATI CITY, RESPONDENT.**

A.M. No. P-04-1812 (Formerly OCA-IPI-03-1724-P). May 28, 2004

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TINGA, J.:

On July 29, 2003, Aurelio P. Vendivel, Jr. (Vendivel) filed on behalf of Reliways, Inc. (Reliways) a Complaint-Affidavit[1] dated July 25, 2003 charging the respondent, Lamberto P. Grantoka (Grantoka), with conduct unbecoming a court employee for the latter's failure to pay his just debts. Allegedly, on April 27, 2001 and again on May 24, 2001, Grantoka obtained from Reliways two (2) loans with the principal amount of P7,000.00 and P4,500.00, respectively, or a total of P11,500.00, for which Grantoka executed the corresponding Promissory Notes and an Irrevocable Special Power of Attorney in favor of Reliways and Vendivel.

According to Vendivel, oral and written demands[2] have been made upon Grantoka but the latter refused and continues to refuse to pay his debt which, as of May 30, 2003, already totals P19,427.05 inclusive of interest. Moreover, Vendivel avers that Reliways was forced to lend money to Grantoka because Reliways then had a pending criminal case with the Metropolitan Trial Court (MeTC), Branch 62, Makati City, where Grantoka is stationed as a Process Server.[3]

In his Comment[4] dated September 5, 2003, Grantoka admits having borrowed money from Reliways but denies any intention not to pay the same. He claims that he has partially paid his obligation. He also admits having received the demand letter dated June 17, 2003 but contends that Vendivel did not make an oral demand upon him. Further, Grantoka denies knowledge of Reliways' pending criminal case with the court where he is stationed. He claims that he has never dealt personally with Vendivel. In fact, it was the Clerk of Court of the MeTC who approached him on behalf of Reliways and offered to extend him a loan. Moreover, his loan application was processed by the personnel of the Office of the Clerk of Court of the MeTC. Grantoka apologizes to Vendivel for giving the impression that he is evading a lawful obligation and assures the latter that he is trying to settle his loan.[5]

Vendivel filed a Reply-Affidavit[6] dated September 26, 2003, denying that Grantoka has made partial payments on his loan. Vendivel rebuts Grantoka's denial that an oral demand was made upon him and contends that before he filed criminal cases against Grantoka and other defaulting borrowers, he personally went to their respective offices, reminded them of their obligations and collected payments from them. He also refutes Grantoka's allegation that it was the personnel of the MeTC who approached Grantoka and offered to extend him a loan on behalf of Reliways. He claims that he and Grantoka know each other because of Reliways' criminal case pending with the MeTC.[7]

The Office of the Court Administrator (OCA) evaluated the complaint and found it meritorious. Accordingly, the OCA recommended that Grantoka be severely reprimanded for his willful failure to pay his just debts, which amounts to conduct unbecoming a court employee.[8]

The Revised Administrative Code of 1987, which covers Grantoza being a court employee, provides:

“Sec. 46. Discipline: General Provisions.— (a) No officer or employee in the Civil Service shall be suspended or dismissed except for cause as provided by law and after due process.

(b) The following shall be grounds for disciplinary action:

xxx

(22) Willful failure to pay just debts or willful failure to pay taxes due to the government;

xxx.” [9]

The term “just debts” applies to claims the existence and justness of which are admitted by the debtor.[10]

Grantoza does not deny his indebtedness to Reliways. He even claims that he has made partial payments on his obligation. However, his claim is not supported by any evidence. Thus, while we commiserate with his unfortunate situation, we cannot condone his failure to pay his just debt which stands at P19,427.05 as of May 30, 2003. His administrative liability under the foregoing provision of the Revised Administrative Code is undisputed. The penalty therefore is not directed at his private life but at his actuations unbecoming a public official.[11]

The Omnibus Rules implementing the provisions on the Civil Service of the Revised Administrative Code of 1987[12] classifies willful failure to pay just debts as a light offense and prescribes the penalty of reprimand for the first offense. Given that this is Grantoza’s first offense since his employment in 1979, he should be reprimanded, although not severely as recommended by the OCA, considering his position as a Process Server.

Finally, Vendivel’s contention that Reliways was “forced” to lend money to Grantoza because of its criminal case pending in the court where Grantoza is stationed deserves no sympathy. Between the two of them, Reliways had the upper-hand. What manner of enticement could Grantoza, a mere process server, have dangled to “force” Reliways to extend him a loan? Other than his bare allegation, Vendivel does not elaborate. We certainly cannot give credence to his unsubstantiated claim.

WHEREFORE, premises considered, respondent Lamberto P. Grantoza, Process Server, Metropolitan Trial Court, Branch 62, Makati City, is hereby REPRIMANDED for his willful failure to pay his just debts, which amounts to conduct unbecoming a court employee. The commission of the same or similar acts in the future will be dealt with more severely.

SO ORDERED.

Quisumbing, Austria-Martinez, and Callejo, Sr., JJ., concur.

Puno, (Chairman), J., on official leave.

[1] Rollo, pp. 1-9, with Annexes.

[2] A demand letter dated June 17, 2003 is attached to the Complaint-Affidavit as Annex F.

[3] Supra note 1 at 2.

[4] Id. at 11-12.

[5] Ibid.

[6] Supra, note 1 at 13-14.

[7] Id. at 13.

[8] Id. at 16-17.

[9] Section 46 (b) (22), Chapter 7, Subtitle A (Civil Service Commission), Title I, Book V, Revised Administrative Code of 1987.

[10] “Sec. 23. Administrative offenses with its corresponding penalties are classified into grave, less grave, and light, depending on the gravity of its nature and effects of said acts on the government service.

xxx

The following are light offenses with their corresponding penalties:

xxx

(i) Willful failure to pay just debts <1st Offense, Reprimand; 2nd Offense, Suspension for one (1) to thirty (30) days; 3rd Offense, Dismissal>

The term ‘just debts’ shall apply only to:

- claims adjudicated by a court of law, or
- claims the existence and justness of which are admitted by the debtor.

xxx.”Sec. 23, Rule XIV of the Omnibus Rules implementing Book V of the Revised Administrative Code.

[11] Martinez v. Muñoz, A.M. No. P-94-1006, October 6, 1995, 249 SCRA 14, citing Flores v. Tatad, 96 SCRA 676.

[12] Ibid.

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