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FIRST DIVISION

[A.M. No. P-00-1421. April 11, 2002]
(Formerly OCA IPI No. 98-492-P)

CHRISTINE G. UY, *complainant, vs.* **BONIFACIO MAGALLANES, JR., PROCESS SERVER, RTC, BRANCH 30, BAYOMBONG, NUEVA VIZCAYA,** *respondent.*

SYNOPSIS

An administrative complaint for willful failure to pay debts was filed by complainant Christine G. Uy against respondent Bonifacio Magallanes, process server. The Court Administrator found respondent's willful failure to pay just debts unbecoming of a public official and, hence, a ground for disciplinary action.

The Supreme Court agreed with the Court Administrator that respondent should be held administratively liable for failure to pay his debts. His allegation that he had made partial payments was not supported by evidence. It would be unnatural for respondent not to ask for receipts to evidence his partial payments. Hence the Court gave more credence to the claim of complainant that respondent refused to pay despite repeated demands. The respondent was severely reprimanded for his willful failure to pay his just debts, which amounts to conduct unbecoming a court employee.

SYLLABUS

1. **POLITICAL LAW; LAW ON PUBLIC OFFICERS; REVISED ADMINISTRATIVE CODE OF 1987; OFFICER OR EMPLOYEE IN THE CIVIL SERVICE IS ADMINISTRATIVELY LIABLE FOR HIS UNJUST REFUSAL TO PAY HIS INDEBTEDNESS IN VIOLATION THEREOF; PRESENT IN CASE AT BAR.**— It goes without saying that respondent is administratively liable. In *Martinez vs. Muñoz*, the Court held the Branch Clerk of Court administratively liable for his unjust refusal to pay his indebtedness, pursuant to the Revised Administrative Code of 1987 (E.O. No. 292), specifically the provisions on the Civil

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Service Commission which covers the respondent as a court personnel. It applied Section 46, Chapter 7, Subtitle A (Civil Service Commission), Title I, Book V thereof which provides as follows: "SECTION 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 llowing shall be grounds for disciplinary action: x x x (22) Willful failure to pay just debts or willful failure to pay taxes to the government; x x x" "Just debts" as defined under Section 23, Rule XIV of the Omnibus Rules refer to those claims the existence and justness of which are admitted by the debtor. In the case at bar, in light of respondent's admission of his indebtedness and his unjust refusal to pay it, his administrative liability under the Revised Administrative Code is settled. The penalty imposed by the law is not directed at his private life but at his actuations unbecoming a public official.

2. **ID.; ID.; ID.; PENALTY; APPLICATION IN CASE AT BAR.** — The same rule classifies willful failure to pay just debts as a light offense and prescribes the penalty of reprimand for the first offense, suspension for one to thirty days for the second offense, and dismissal for the third offense. Apparently, this is respondent's first offense which would merit only a reprimand and not suspension of three months as recommended by the Court Administrator. It is not denied, however, that respondent not only unjustly refused to pay but worse, bragged about his being a court employee to evade his obligation. Hence, he deserves a severe reprimand. Following the ruling in *Martinez*, however, we cannot order respondent to pay his indebtedness to complainant as recommended by the Office of the Court Administrator because this Court is not a collection agency.

D E C I S I O N

PUNO, *J.*:

This is an administrative complaint filed against respondent Bonifacio Magallanes, Jr., a process server of the Regional Trial Court of Bayombong, Nueva Vizcaya, Branch 30, for willful failure to pay debts.

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The letter-complaint[1] dated June 16, 1998 states that on several occasions in 1997, respondent bought construction supplies amounting to ₱86,725.00 from complainant Cristine Uy. It alleged that respondent represented that he could pay his debt because he is an employee of the court. Notwithstanding repeated demands, however, respondent refused to pay and bragged that he is an employee of the court.

In his comment,[2] respondent admits his debt but claims that he had already made partial payments in the amount of ₱12,000.00, the last of which was given on December 8, 1998 for which he was issued a receipt by complainant's secretary; that he was not given a receipt for the payment he made on October 12, 1998 although it was noted in complainant's personal notebook; and that he has a verbal agreement with complainant that he will pay monthly until his obligation is fully paid.

In reply, complainant averred that the allegations of respondent are false, the truth being that respondent continuously failed to pay despite repeated demands.

In a Memorandum dated July 11, 2000, Court Administrator Alfredo L. Benipayo found respondent's willful failure to pay just debts unbecoming of a public official and hence a ground for disciplinary action. He recommends that respondent be suspended from the service for three months and be ordered to pay his obligations with a warning that a repetition of the same or similar offense shall be dealt with more severely.

We agree with the Court Administrator that respondent should be held administratively liable for failure to pay his debts. His allegation that he has made partial payments is not supported by evidence. It is unnatural for respondent not to ask for receipts to evidence his partial payments. Hence, the Court gives more credence to the claim of complainant that respondent refused to pay despite repeated demands.

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[1] *Rollo*, p. 1.

[2] *Ibid.*, p. 8.

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It goes without saying that respondent is administratively liable. In *Martinez vs. Muñoz*,[3] the Court held the Branch Clerk of Court administratively liable for his unjust refusal to pay his indebtedness, pursuant to the Revised Administrative Code of 1987 (E.O. No. 292), specifically the provisions on the Civil Service Commission which covers the respondent as a court personnel. It applied Section 46, Chapter 7, Subtitle A (Civil Service Commission), Title I, Book V thereof which provides as follows:

"SECTION 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:

x x x x x x x x x

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

"Just debts" as defined under Section 23, Rule XIV of the Omnibus Rules refer to those claims the existence and justness of which are admitted by the debtor. In the case at bar, in light of respondent's admission of his indebtedness and his unjust refusal to pay it, his administrative liability under the Revised Administrative Code is settled.[4] The penalty imposed by the law is not directed at his private life but at his actuations unbecoming a public official.

The same rule classifies willful failure to pay just debts as a light offense and prescribes the penalty of reprimand for the first offense, suspension for one to thirty days for the second offense, and dismissal for the third offense. Apparently, this is respondent's first offense which would merit only a reprimand and not suspension of three months as recommended by the Court Administrator. It is not denied, however, that respondent not only unjustly refused to pay but worse, bragged about his

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[3] 249 SCRA 14 (1995).

[4] *Ibid.*, citing *Pineda vs. Hizalan*, 64 SCRA 160 (1975) and *Flores vs. Tatad*, 96 SCRA 676 (1980).

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being a court employee to evade his obligation. Hence, he deserves a severe reprimand. Following the ruling in *Martinez,* however, we cannot order respondent to pay his indebtedness to complainant as recommended by the Office of the Court Administrator because this Court is not a collection agency.

WHEREFORE, respondent *BONIFACIO MAGALLANES, JR.*, process server, Branch 30, of the Regional Trial Court of Bayombong, Nueva Vizcaya, is *SEVERELY 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.

Davide, Jr., C.J., (Chairman), Kapunan, and *Ynares-Santiago, JJ.,* concur.

THIRD DIVISION

[A.M. No. RTJ-00-1591. April 11, 2002]
(Formerly OCA IPI No. 98-490-RTJ)

LAURENTINO D. BASCUG, *complainant, vs.* **JUDGE GRACIANO H. ARINDAY, JR., Presiding Judge, Branch 69, Regional Trial Court of Negros Occidental, Silay City,** *respondent.*

SYNOPSIS

Complainant Laurentino D. Bascug charged respondent Judge Graciano H. Arinday with grave misconduct, knowingly rendering an unjust judgment, malicious delay in the administration of justice, and violation of the code of judicial conduct. The matter was referred by the Court to the Office of the Court Administrator ("OCA") for evaluation, report and recommendation. In its memorandum, the OCA found respondent judge liable for his failure to resolve the second motion for