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SECOND DIVISION

[A.M. No. P-00-1426. February 23, 2001]
(Formerly OCA IPI No. 98-453-P)

JUDGE JOSE P. SOBERANO, JR., *complainant, vs.* **ADELIA P. NEBRES, Process Server,** *respondent.*

SYNOPSIS

Complainant judge charged respondent process server in his sala of gross neglect of duty on account of the latter's repeated failure to serve copies of orders, subpoenas and warrants to counsels and parties, despite adequate time given her, resulting in postponements and cancellations of scheduled hearings. That when reminded of her neglect, respondent was arrogant, insolent and angry. And as a result of her defiance, complainant was forced to serve the court processes by mail or through the sheriff. Hence, complainant prayed for the dismissal of respondent and the assignment of new process server in his court.

Respondent did not reply to the charge and the Court resolved to drop her from the rolls. Accordingly, for gross neglect of duty, respondent is ordered to pay a fine of ₱5,000.00 to be deducted from her withheld benefits. The request for new process server is referred to the Office of the Court Administrator for appropriate action.

SYLLABUS

ADMINISTRATIVE LAW; COURT EMPLOYEES; PROCESS SERVER; GROSS NEGLECT OF DUTY; PENALTY IN CASE AT BAR. — In a letter-complaint, Judge Jose P. Soberano, Jr., presiding judge of Branch 58, RTC, Cebu City, charged Adelia P. Nebres, process server in his sala, of gross neglect of duty, on account of the latter's repeated failure to serve copies of orders, subpoenas and warrants to counsels and parties, despite adequate time given her, resulting in postponements and cancellations of scheduled hearings. When he reminded her of her neglect, she was arrogant, insolent and angry, according to complainant. As a result of her defiance he was forced to serve the court processes by mail or through the sheriff. . .

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ACCORDINGLY, as recommended, for Gross Neglect of Duty respondent Adelia P. Nebress is ordered to pay a *FINE* of Five Thousand Pesos (₱5,000.00) to be deducted from her withheld benefits.

RESOLUTION

QUISUMBING, *J.*:

In a letter-complaint, Judge Jose P. Soberano, Jr., presiding judge of Branch 58, RTC, Cebu City, charged Adelia P. Nebres, process server in his sala, of gross neglect of duty, on account of the latter's repeated failure to serve copies of orders, subpoenas and warrants to counsels and parties, despite adequate time given her, resulting in postponements and cancellations of scheduled hearings. When he reminded her of her neglect, she was arrogant, insolent and angry, according to complainant. As a result of her defiance he was forced to serve the court processes by mail or through the sheriff. He also issued a Memorandum directing her to return to the court all processes still in her possession. Afterwards, he informed this Court that respondent last reported for work on April 3, 1998, filed her application for leave with the Office of the Court Administrator from April 6, 1998 to May 15, 1998 and subsequently requested for transfer to the Butuan City Telecommunications Office. However, he says her daily time records, applications for leave and request for transfer were not verified and approved by the Branch Clerk of Court due to her pending administrative case. Also, she had not submitted her clearance for money and property accountabilities. Judge prayed for the dismissal of respondent and the assignment of a new process server to Branch 58.

Respondent did not respond to the charge of gross neglect of duty against her.

On March 2, 1999, in a Resolution, this Court resolved to drop Adelia P. Nebres from the rolls.

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After evaluation, the Office of the Court Administrator recommended re-docketing of the instant administrative case as an administrative matter. It added that for respondent's nonfeasance she could only be fined since she had already been dropped from the rolls. It appeared that complainant's prayer for respondent's dismissal for gross neglect of duty had become moot and academic due to her being dropped from the rolls.

ACCORDINGLY, as recommended, for Gross Neglect of Duty respondent Adelia P. Nebres is ordered to pay a *FINE* of Five Thousand Pesos (₱5,000.00) to be deducted from her withheld benefits. Judge Soberano's request for a new process server is referred to the OCA for appropriate action.

SO ORDERED.

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

FIRST DIVISION

[G.R. No. 103613. February 23, 2001]

PEOPLE OF THE PHILIPPINES, *petitioner, vs.* **COURT OF APPEALS and ELADIO C. TANGAN,** *respondents.*

[G.R. No. 105830. February 23, 2001]

ELADIO C. TANGAN, *petitioner, vs.* **PEOPLE OF THE PHILIPPINES and COURT OF APPEALS,** *respondents.*