

EN BANC

[A.M. No. P-10-2741, June 04, 2013]

JUDGE ANTONIO C. REYES, COMPLAINANT, VS. EDWIN FANGONIL, PROCESS SERVER, REGIONAL TRIAL COURT, BRANCH 61 OF BAGUIO CITY, RESPONDENT.

R E S O L U T I O N

PER CURIAM:

This is a case of Gross Misconduct and Graft and Corruption committed by a court officer. The complainant, Judge Antonio C. Reyes, discovered inadvertently that his court's process server, Edwin Fangonil, had been soliciting money from litigants in exchange for favorable results.

These are the facts based on the investigation:

Agnes Sungduan was charged for violation of the Comprehensive Dangerous Drugs Act of 2002. Pending her case's trial at the Regional Trial Court (RTC), Branch 61 of Baguio City, she was detained at the Baguio City Jail. She befriended a fellow inmate, Malou Hernandez, who referred Sungduan to Edwin Fangonil (**Fangonil**). Hernandez was acquitted eventually, and she told Sungduan the acquittal happened with Fangonil's assistance.^[1]

Thus, Sungduan sought the help of her uncle, Donato Tamingo, to negotiate with Fangonil for a favorable verdict. She gave Tamingo a sealed envelope containing twenty thousand pesos (P20,000) in cash. Tamingo went to the RTC Branch 61 of Baguio City, met with the court's process server, Fangonil, and told him he was there in behalf of Sungduan. Fangonil invited him to a restaurant along Session Road. After ordering two bottles of soft drinks, Tamingo handed the very envelope containing twenty thousand pesos (P20,000) to Fangonil.^[2]

Two weeks later, Sungduan handed Tamingo another envelope, this time containing thirty thousand pesos (P30,000) in cash. Tamingo proceeded to RTC to meet with Fangonil. The turnover of the money occurred at the third-floor canteen of the Hall of Justice in Baguio City.^[3]

On January 29, 2007, Judge Antonio C. Reyes (**Judge Reyes**) promulgated a decision convicting Sungduan for violation of the Comprehensive Dangerous Drugs Act of 2002. After the promulgation of the decision, rumors reached Judge Reyes that Sungduan had paid someone from RTC Branch 61 in exchange for an acquittal. He learned that she became hysterical after her conviction, but the judge ignored the rumors initially because these were unverified.^[4]

On February 4, 2007, Judge Reyes received a letter at his residence.^[5] The letter

was from Sungduan requesting the judge to grant the Motion for Reconsideration filed by her counsels.^[6] This portion of the letter particularly disturbed the judge:

Your honor, my family will be more than willing to give you **an additional amount to add to the P50,000 they gave to Edwin** if you consider my motion for reconsideration.^[7] (Emphasis provided).

As a result, Judge Reyes asked two of his court employees to verify if the letter was indeed from Sungduan.^[8] She sent a second letter dated February 5, 2007 that admitted the veracity of her first letter under oath.^[9]

An administrative complaint against Fangonil was filed by Judge Reyes through the Office of the Court Administrator (OCA) on February 6, 2007.^[10]

In a Resolution dated July 9, 2007, the Court assigned the case to Executive Judge Edilberto Claravall for investigation, report, and recommendation.^[11] However, Judge Claravall inhibited himself since he is a relative of Judge Reyes. The Court then reassigned the case to Vice Executive Judge Iluminada P. Cabato for investigation, report, and recommendation, in a Resolution dated July 23, 2007.^[12]

Judge Cabato submitted her Report on July 30, 2008.^[13] This Court, however, returned the case to the investigating judge to obtain additional testimonies.^[14] Judge Cabato complied with the directives and filed an Additional Report on July 16, 2009.^[15] Both of Judge Cabato's reports found the respondent Fangonil guilty of gross misconduct and violation of Republic Act No. 6713. A penalty of one (1) year suspension from service was recommended by Judge Cabato as penalty against Fangonil.

In a Resolution dated September 14, 2009, the Court referred the case to OCA for additional report, findings, and recommendations. In a Memorandum dated October 21, 2009 submitted by former Court Administrator Jose P. Perez who is now a member of this Court, it was recommended that "respondent Fangonil be **FOUND** guilty for gross misconduct and be **DISMISSED** from the service with forfeiture of all benefits, except accrued leave credits, and disqualification from reinstatement or appointment to any public office including government- owned or controlled corporation."^[16]

We affirm the findings of OCA and Judge Iluminada P. Cabato.

In this case, the respondent is a process server whose duty is vital to the administration of justice, and one's primary task is to serve court notices. A process server is not authorized to collect or receive any amount of money from any party-litigant, or in this case, the accused.^[17]

The fact that Fangonil accepted money from a litigant is evident in this case. Sungduan's letters and Tamingo's testimony showed Fangonil's corrupt practice in soliciting money in exchange for a favorable verdict. She had the impression that Fangonil was acting as an agent of the judge handling her case. This explained why