FIRST DIVISION

[A.M. No. P-08-2434-A, June 16, 2009]

LYN L. LLAMASARES, BRANCH CLERK OF COURT, REGIONAL TRIAL COURT (RTC) OF MANILA, BRANCH 40, COMPLAINANT, VS. MARIO M. PABLICO, PROCESS SERVER, REGIONAL TRIAL COURT (RTC) OF MANILA, BRANCH 40, RESPONDENT.

R E S O L U T I O N

CORONA, J.:

This is an administrative complaint against respondent Mario M. Pablico, process server, Regional Trial Court (RTC) of Manila, Branch 40.

Complainant Lyn L. Llamasares, branch clerk of court of RTC-Manila, Branch 40, averred that respondent repeatedly made false entries in his daily time records (DTRs). The arrival and departure times jotted down by respondent in the logbook did not correspond to the entries made by the branch clerk of court. Moreover, he habitually stepped out of the office without logging out and without permission.[1]

Complainant also asserted that respondent only served those court processes that he wanted, thus compelling other court personnel to perform his functions.[2]

Respondent was repeatedly ordered to answer the allegations against him but he refused.[3] He was ordered to comply therewith and to pay a fine of P1,000.[4] Respondent subsequently filed his comment and paid the fine.

Respondent denied the allegations of falsification against him. He pointed out that the differences between his entries and those of the branch clerk of court were merely three to five minutes. He likewise explained that because of the administrative cases against him,[5] he was compelled to go out of the office without permission and consult with a lawyer from the Public Attorney's Office.

Meanwhile, on June 28, 2006, respondent was dropped from the rolls after three consecutive unsatisfactory performance ratings.[6]

And to make matters worse, on November 27, 2006, due to his failure to faithfully perform his duties as process server, respondent was found guilty of simple neglect of duty.[7]

Thereafter, this case was submitted to the Office of the Court Administrator (OCA) for evaluation, report and recommendation. It held: