

EN BANC

[A.M. No. P-04-1815 (Formerly OCA IPI No. 04-1885-P), October 18, 2007]

RONCESVALLES B. FILOTEO, COMPLAINANT, VS. ARTURO C. CALAGO, PROCESS SERVER, REGIONAL TRIAL COURT, OFFICE OF THE CLERK OF COURT, ISABELA CITY, BASILAN, RESPONDENT.

R E S O L U T I O N

PER CURIAM:

In a report-complaint dated September 8, 2003, complainant Roncesvalles B. Filoteo, former clerk of court of the Regional Trial Court (RTC), Office of the Clerk of Court (OCC), Isabela City, Basilan,^[1] charged respondent Arturo C. Calago, process server of the same office, with dishonesty.

The complainant alleged that one of the children of the late Oscar R. Zanoria (who died on June 13, 2003), former deputy sheriff of the OCC, informed her that an employee of the court tried to encash the check of the deceased in Lim Wai Store in Isabela City owned by Pilar Lim. This was corroborated by Bernard Estrada, deputy sheriff of the RTC, Isabela City, Branch 1, who said that Lim told him that respondent presented to her a check issued on July 31, 2003 to the deceased Zanoria, for encashment, but knowing that the latter had already passed away, she refused.

Upon verification, the complainant learned that a letter dated July 24, 2003 had been prepared by Soteria S. Latip, officer-in-charge of the OCC. It was addressed to Antonina A. Soria, officer-in-charge of the Financial Management Office, Office of the Court Administrator (OCA), Supreme Court (SC) and contained the deceased's salary check^[2] with check no. 0004733013 amounting to P5,417.48. The letter containing the check was given to respondent for mailing.^[3]

On July 25, 2003, respondent gave registry receipt no. 2085 to Arlyn Rufino, clerk III of the OCC, who pasted it on the copy of the letter on file. However, the Isabela City post office issued a certification that no letter addressed to Soria was registered in the mail on July 25, 2003 and that registry receipt no. 2085 referred to a letter sent by respondent to the "Chief of Small Loans Division,"^[4] Finance Division, SC.

In his defense, respondent, in a letter dated July 31, 2003, explained that registry receipt no. 2085 was issued by the post office when he mailed the letter (along with the check) addressed to Soria and that the post office cash clerk, Irene Rufino, affixed her initials on his logbook affirming that said registry receipt referred to the letter addressed to Soria. Respondent likewise narrated that on the same day, he separately mailed his loan application but this personal mail did not have a return card. Respondent stated that he attached a copy of a statement of mailing to support his claim.

Not satisfied with respondent's explanation, the complainant sent him a letter dated August 4, 2003, furnishing him a copy of the certification issued by the Isabela City post office that, on July 25, 2003, respondent sent only one registered mail addressed to the "Chief of Small Loans Division," for which he was issued registry receipt no. 2085. The same letter pointed out that the initials of Rufino in respondent's logbook merely showed he submitted registry receipt no. 2085, on which the name of Soria was written. It was the duty of Rufino to attach registry receipts to the letters she was tasked to mail.

The complainant also told respondent that he falsely stated in his explanation that he submitted a statement of mailing (which he did not) and that it was the office which secured a machine copy thereof from the post office. Respondent was likewise informed that the complainant personally verified the truth concerning his attempt to encash the subject check, a fact confirmed by Lim herself who even told respondent, "*Muerto ya el hente*" ("The person is already dead").

In reply to the complainant's letter-inquiry dated August 4, 2003, Virginia C. Valdez-Togle, SC Chief Judicial Staff Officer, Checks Disbursement Officer, OCA, in a letter dated August 28, 2003, stated that the OCA had no record of receipt of the subject check.^[5] Furthermore, in a letter dated September 16, 2003, Soria informed the complainant that the check had already been encashed or negotiated on August 4, 2003, as certified to by the Land Bank of the Philippines.^[6]

In a resolution of this Court dated May 5, 2004, the complaint was referred to Judge Danilo M. Bucoy, executive judge of RTC, Isabela City, for investigation, report and recommendation.

In compliance with this resolution, Judge Bucoy submitted his report and recommendation dated November 5, 2004 with the following recommendation:

WHEREFORE, in view of the foregoing, the undersigned investigating officer finds Respondent Arturo C. Calago guilty of grave misconduct and, after taking into account his length of service of almost 30 years as a mitigating circumstance, hereby recommends to the Honorable Supreme Court that he be meted the penalty of [six months suspension] without pay.^[7]

During the investigation, respondent admitted that on July 25, 2003, he went to Lim Wai Store, bringing along five checks including Zanoria's check. After encashing the four checks (for himself and his co-employees), he asked Lim, "*Si muerto ya el hente, ta cambia pa kamo el cheques?*" (If the person is already dead, will you still encash the checks?) He said he propounded this question because he heard that someone, for several years, had been encashing the checks of dead persons with Lim. He also claimed that his personal letter addressed to the "Chief of Small Loans Division" was covered by registry receipt no. 2084. Later, however, it was discovered that registry receipt no. 2084 pertained to a letter addressed to the OCA by the Municipal Circuit Trial Court (MCTC) of Maluso-Sumisip-Lantawan.^[8]

The OCA, in its memorandum dated February 20, 2007, agreed with the findings of the investigating judge. It recommended that respondent be held liable for grave misconduct, falsification and dishonesty based on the following facts: (1) respondent

attempted to encash the check of the deceased Zanoria in the store of Lim on July 25, 2003; (2) he did not mail the letter (containing the check) to Soria; (3) to cover up his act of dishonesty, he made it appear that the letter to Soria was covered by registry receipt no. 2085 when in fact this actually pertained to his personal loan application; (4) in another attempt to conceal his wrongdoing, he claimed that his personal letter was covered by registry receipt no. 2084 which actually referred to a letter sent by the MCTC of Maluso-Sumisip-Lantawan and (5) since the check had been encashed, it was reasonable to assume that respondent did so for his personal benefit. Thus, the OCA recommended that he be dismissed from the service and that he be ordered to pay the amount of P5,417.48 representing the value of the check.

We agree with the OCA's recommendations.

Public office is a public trust.^[9] A public servant must bear at all times the highest sense of honesty. This is especially significant for employees in the judiciary. The image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of its personnel, from the judge to the lowest employee. Hence, those involved in the administration of justice must live up to the highest standard of honesty and integrity in the public service.^[10] Not only must their conduct at all times be characterized by propriety and decorum but, above all else, it must be beyond suspicion.^[11]

There is substantial evidence to support the finding that respondent never sent the letter containing the check of Zanoria and that he encashed the check for his own personal benefit.

In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion. Well-entrenched is the rule that substantial proof, and not clear and convincing evidence or proof beyond reasonable doubt, is sufficient as basis for the imposition of any disciplinary action upon the employee. The standard of substantial evidence is satisfied where the employer, as in this case the Court, has reasonable ground to believe that the employee is responsible for the misconduct and his participation therein renders him unworthy of trust and confidence demanded by his position.^[12]

The duty of a process server is vital to the administration of justice. He serves court processes such as subpoenas, subpoenas *duces tecum*, summonses, court orders and notices; prepares and submits returns of service of processes; monitors messages and/or delivers court mail matters like letters, communications and other correspondences; keeps in custody and maintains a record book of all mail matters received and dispatched by the court and performs such other duties as may be assigned by the presiding judge or clerk of court.^[13]

Respondent's act of pocketing Zanoria's check instead of mailing it to the letter's addressee and later on encashing it for his own benefit constituted grave misconduct.

Misconduct has been defined as an intentional wrongdoing or deliberate violation of a rule of law or standard of behavior, especially by a