

THIRD DIVISION

[A.M. NO. P-06-2133 (FORMERLY OCA-IPI NO. 05-2138-P), March 10, 2006]

RICARDO A. MANAYSAY, COMPLAINANT, VS. PEPITO A. SAMANIEGO, PROCESS SERVER, MUNICIPAL TRIAL COURT IN CITIES, BRANCH 2, CAVITE CITY, RESPONDENT

D E C I S I O N

TINGA, J.:

This treats of the verified complaint filed by Ricardo A. Manaysay dated December 10, 2004, charging Pepito A. Samaniego, Process Server, Municipal Trial Court in Cities, Branch 2, Cavite City, with willful and deliberate refusal to pay his just debts. The complaint states that Samaniego and Bukas Palad Finance Company, of which Manaysay is the General Manager, entered into a compromise agreement in Civil Case No. 598, whereby Samaniego undertook to pay his obligation to the company in the amount of P20,000.00. Despite the finality of the decision approving the compromise agreement, Samaniego has allegedly failed and refused to honor his obligation.

In his letter-comment dated September 13, 2005, Samaniego admits that he entered into a compromise agreement with the company. However, he was unable to pay his debt due to financial constraints, especially since process servers are no longer allowed to claim travel expenses when serving subpoena and other court processes. He asserts that he has no intention of evading the payment of his obligation or diminishing the honor and integrity of the judiciary. He allegedly even went to the company's office to find out the exact amount of his obligation but was informed that his principal loan in the amount of P7,412.00 has ballooned to P63,105.50.

The Office of the Court Administrator (OCA) submitted a report dated January 26, 2006 finding that Samaniego's financial difficulties do not excuse him from paying his just debts. However, even as the applicable Civil Service rules prescribe the penalty of reprimand for willful failure to pay just debts, the OCA urges the Court to merely admonish respondent in accordance with our ruling in *Garciano v. Oyao*.^[1]

We find this recommendation not in accord with the law and jurisprudence.

Executive Order No. 292 (E.O. 292), otherwise known as the Revised Administrative Code of 1987, provides that a public employee's failure to pay just debts is a ground for disciplinary action. Sec. 22, Rule XIV of the Rules Implementing Book V of EO 292, as modified by the Uniform Rules on Administrative Cases in the Civil Service, defines "just debts" as those (1) claims adjudicated by a court of law or (2) claims the existence and justness of which are admitted by the debtor. Under the same Rule, willful failure to pay just debts is classified as a light offense with the