

## **FIRST DIVISION**

**[ A.M. No. P-00-1421 (formerly OCA IPI No. 98-492-P), April 11, 2002 ]**

**CHRISTINE G. UY, COMPLAINANT, VS. BONIFACIO MAGALLANES, JR, PROCESS SERVER, RTC, BRANCH 30, BAYOMBONG, NUEVA VIZCAYA, RESPONDENT.**

### **DECISION**

**PUNO, J.:**

This is an administrative complaint filed against respondent Bonifacio Magallanes, Jr., a process server of the Regional Trial Court of Bayombong, Nueva Vizcaya, Branch 30, for willful failure to pay debts.

The letter-complaint<sup>[1]</sup> dated June 16, 1998 states that on several occasions in 1997, respondent bought construction supplies amounting to P86,725.00 from complainant Cristine Uy. It alleged that respondent represented that he could pay his debt because he is an employee of the court. Notwithstanding repeated demands, however, respondent refused to pay and bragged that he is an employee of the court.

In his comment,<sup>[2]</sup> respondent admits his debt but claims that he had already made partial payments in the amount of P12,000.00, the last of which was given on December 8, 1998 for which he was issued a receipt by complainant's secretary; that he was not given a receipt for the payment he made on October 12, 1998 although it was noted in complainant's personal notebook; and that he has a verbal agreement with complainant that he will pay monthly until his obligation is fully paid.

In reply, complainant averred that the allegations of respondent are false, the truth being that respondent continuously failed to pay despite repeated demands.

In a Memorandum dated July 11, 2000, Court Administrator Alfredo L. Benipayo found respondent's willful failure to pay just debts unbecoming of a public official and hence a ground for disciplinary action. He recommends that respondent be suspended from the service for three months and be ordered to pay his obligations with a warning that a repetition of the same or similar offense shall be dealt with more severely.

We agree with the Court Administrator that respondent should be held administratively liable for failure to pay his debts. His allegation that he has made partial payments is not supported by evidence. It is unnatural for respondent not to ask for receipts to evidence his partial payments. Hence, the Court gives more credence to the claim of complainant that respondent refused to pay despite repeated demands.