

## THIRD DIVISION

**[ A.M. No. P-11-2977 (FORMERLY OCA I.P.I. NO. 09-3254-P), September 14, 2011 ]**

**COL. MAURICIO A. SANTIAGO, JR. (RET.), COMPLAINANT, VS. ARTHUR M. CAMANGYAN, PROCESS SERVER, REGIONAL TRIAL COURT, BRANCH 29, TOLEDO CITY, RESPONDENT.**

### DECISION

#### MENDOZA, J.:

This administrative case arose from a letter-complaint filed by Col. Mauricio A. Santiago, Jr. (Ret.) (*complainant*) on September 17, 2009 with the Office of the Court Administrator (OCA) charging Arthur M. Camangyan (*respondent*), Process Server, Regional Trial Court, Branch 29, Toledo City (RTC), with neglect of duty relative to Civil Case No. T-2083.

In his letter,<sup>[1]</sup> complainant alleged that he was the respondent in the aforesaid case for Declaration of Nullity of Marriage; that Judge Cesar O. Estrera (*Judge Estrera*), RTC Presiding Judge, issued a Notice setting the pre-trial conference and pre-trial of the said case on August 13, 2009 at 2:00 o'clock in the afternoon; that respondent intentionally, deliberately and with malicious intent did not serve him a copy of the notice but his wife and her counsel were duly furnished a copy thereof; that had he not telephoned Judge Estrera on August 7, 2009 at around 2:30 o'clock in the afternoon, he would not have known of the scheduled pre-conference and pre-trial; that justice would have been denied him because of the deliberate, malicious and corrupt act of respondent; and that respondent might tamper or steal the evidence he already submitted to the court in support of his defense.

In its 1<sup>[st]</sup> Indorsement<sup>[2]</sup> dated October 5, 2009, the OCA directed respondent to comment on the letter-complaint.

In his counter-affidavit,<sup>[3]</sup> respondent denied the allegations for being speculative, fallacious and baseless. He asserted that the complaint was an overreaction and an unnecessary display of temper and superiority. Respondent claimed that, most of the time, complainant would demonstrate arrogance as manifested in his Answer to the Complaint in Civil Case No. T-2083 and when complainant showed him his firearm after he served the summons. Respondent averred that his failure to serve a copy of the notice to complainant was not deliberate and malicious. He explained that he was supposed to personally serve a copy of the notice the following day but he was told by Judge Estrera that there was no need to serve the notice since he already informed the complainant of the scheduled hearing. He further averred that his presence in the office, at that time, was necessary because the Supreme Court was conducting a judicial audit in connection with the retirement of Judge Estrera.

As to the allegations of corruption, tampering and stealing of evidence, respondent