



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 26, 2021** which reads as follows:*

**“A.M. No. P-20-4094 [formerly OCA IPI No. 18-4820-P] (Ma. Estrella S. Dungca v. Mario C. Amante, Process Server, Branch 70, Metropolitan Trial Court, Pasig City).** – This administrative matter stems from the Complaint<sup>1</sup> dated April 20, 2018 of Ma. Estrella S. Dungca (Dungca), accusing respondent Mario C. Amante (Amante) of grave misconduct and dishonesty.

According to Dungca, Amante went to her house in Pasig City on December 15, 2017 at 11:00 a.m. persuading her to sell a Suzuki motorcycle in her possession for ₱30,000.00. Dungca expressed her misgivings about the proposed sale because it was not yet registered in her name and may be the subject of a case in another court. However, Amante assured her that he can prepare the necessary documents for the motorcycle’s registration because of his position as court personnel. After their agreement to push through with the sale, Amante paid Dungca ₱5,000.00 with the promise to pay the ₱25,000.00 on installment. For failure to pay within their agreed installment due dates and for subsequently hiding from Dungca to evade the latter’s oral demands to pay the ₱25,000.00 balance in full, Dungca filed the instant complaint.<sup>2</sup>

In a Comment<sup>3</sup> dated August 17, 2018, Amante denied persuading Dungca to sell him the motorcycle using his influence as court personnel. Amante explained that he went to Dungca’s house upon the latter’s request because she wanted to verify that summons

<sup>1</sup> Rollo, pp. 3-4.

<sup>2</sup> Id.; see also MeTC Report/Recommendation dated December 6, 2019, id. at 46.

<sup>3</sup> Id. at 17-18.

was served in compliance with a case she filed, which was pending before the Metropolitan Trial Court (MeTC) of Pasig City, Branch 72. On his way out of Dungca's residence, he saw the subject motorcycle – to which Dungca offered to sell it to him for ₱30,000.00 on installment basis. Since he only had ₱5,000.00 at that time, he offered the said amount as downpayment. One month after the sale, Amante discovered that the motorcycle was still registered under one Motortrade Nationwide Corporation and that Dungca had possession of the motorcycle by way of collateral from a certain Argel Joseph H. Asuncion (Asuncion) as security for a ₱30,000.00 emergency loan extended by Dungca to Asuncion sometime in January 2014. Amante alleged that the matter should have been privately settled between the parties without having to involve this Court on the matter. He claimed that he was willing to return the motorcycle in exchange for the return of his ₱5,000.00 downpayment from Dungca.<sup>4</sup>

In a Resolution<sup>5</sup> dated July 10, 2019, the Court, upon recommendation of the Office of the Court Administrator (OCA) in a Report<sup>6</sup> dated April 8, 2019 that a formal investigation be conducted because of the conflicting factual allegations made by the parties, referred the administrative complaint to the Vice Executive Judge of the MeTC of Pasig City for investigation, report, and recommendation.

On October 14, 2019, Vice Executive Judge Christian Emmanuel G. Pimentel (Judge Pimentel) conducted a hearing where the parties adopted the same evidence they submitted before the OCA.<sup>7</sup>

In a Report and Recommendation<sup>8</sup> dated December 6, 2019, Judge Pimentel found Amante guilty of simple dishonesty and recommended that he be suspended for one month and one day with a stern warning that a repetition of the same act or acts similar thereto will be dealt with more severely.<sup>9</sup> The recommendation was based on Amante's act of entering into a personal transaction during office hours, in violation of Section 1, Canon IV of A.M. No. 03-06-13-SC or the Code of Conduct of Court Personnel, which provides:

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<sup>4</sup> Id.

<sup>5</sup> Id. at 38.

<sup>6</sup> Id. at 33-36.

<sup>7</sup> Id. at 46.

<sup>8</sup> Id. at 45-55.

<sup>9</sup> Id. at 55.

CANON IV  
PERFORMANCE OF DUTIES

Section 1. Court personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.

Judge Pimentel also found Amante's acts of: (1) keeping possession of the motorcycle for three years without paying any part of the ₱25,000.00 balance;<sup>10</sup> and (2) refusing to return the motorcycle despite his claims of discovering the involvement of the motorcycle in a criminal case inimical to the reputation of the employees of the judiciary. Judge Pimentel did not give credence to Amante's claim that Amante was misled into buying the motorcycle despite a dispute regarding its ownership. As a buyer, Amante should have exercised due diligence in buying the motorcycle like scrutinizing its Certificate of Registration and Official Receipt (*a.k.a.* O.R./C.R.). Without discussing the propriety of the sale to Amante, Judge Pimentel held that Amante clearly reneged on his obligation under his agreement with Dungca to pay the balance of ₱25,000.00 for the motorcycle. Nevertheless, Judge Pimentel ruled that Dungca failed to prove that Amante was guilty of serious dishonesty. There was no proof that Amante assured Dungca that the motorcycle's documents can be fixed because of his position as court personnel.<sup>11</sup>

The report was referred to the OCA for its evaluation, report, and recommendation.<sup>12</sup>

In a Memorandum<sup>13</sup> dated August 25, 2020, the OCA, through Assistant Court Administrator Lilian C. Barribal-Co, concurred with Judge Pimentel's finding of simple dishonesty but modified the recommended penalty to a fine of ₱5,000.00. The OCA also recommended that Amante be ordered to pay Dungca the ₱25,000.00 balance within six months from the receipt of the Resolution.<sup>14</sup>

The OCA agreed with Judge Pimentel's findings, particularly that: (1) Dungca failed to prove that Amante persuaded Dungca to sell

<sup>10</sup> Mistakenly counted as four; Counted from December 15, 2017 to date.

<sup>11</sup> *Rollo*, pp. 51-52.

<sup>12</sup> *Id.* at 57.

<sup>13</sup> *Id.* at 70-77.

<sup>14</sup> *Id.* at 76.

the motorcycle by assuring her of his ability to fix the motorcycle's documentation as court personnel;<sup>15</sup> (2) Amante did not exercise due diligence in purchasing the motorcycle;<sup>16</sup> and (3) Amante defrauded Dungca into selling the motorcycle without intending to pay the ₱25,000.00 balance. Amante's acts were found to be dishonest as they showed a disposition to deceive or defraud Dungca. As for Amante's failure to commit himself exclusively to his responsibilities during office hours, the OCA held that Amante should be reprimanded.<sup>17</sup> However, in view of the fact that it was Amante's first offense since the beginning of his service in the judiciary on July 29, 1997, the OCA recommended that a ₱5,000.00 fine be imposed instead. The recommendation to have Amante pay the ₱25,000.00 balance was to correct Amante's improper conduct.<sup>18</sup>

After due consideration, We approve and adopt the findings and recommendations of the OCA as Our own ruling with a slight modification as to the period within which Amante is to pay Dungca the balance of ₱25,000.00.

Dishonesty connotes "a disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of integrity, lack of honesty probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray."<sup>19</sup> Civil Service Commission (CSC) Resolution No. 06-0538 classified dishonesty into three acts: (1) serious; (2) less serious; and (3) simple. Under Section 5 of CSC Resolution No. 06-0538, the presence of any of the following circumstances in the commission of the dishonest act constitutes the offense of simple dishonesty:

1. The dishonest act did not cause damage or prejudice to the government.
2. The dishonest act had no direct relation to or does not involve the duties and responsibilities of the respondent.
3. In falsification of any official document, where the information falsified is not related to his/her employment.
4. That the dishonest act did not result in any gain or benefit to the offender.
5. Other analogous circumstances.<sup>20</sup>

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<sup>15</sup> Id. at 72.

<sup>16</sup> Id. at 72-73.

<sup>17</sup> Id. at 73.

<sup>18</sup> Id. at 76-77.

<sup>19</sup> *Retired Employee v. Manubag*, 652 Phil. 491, 498 (2015).

<sup>20</sup> *Committee on Security and Safety v. Dianco*, 760 Phil. 169, 189 (2015).

Amante's obstinate refusal to pay the balance of ₱25,000.00 on the motorcycle he purchased from Dungca on December 15, 2017 was correctly held to be a case of simple dishonesty. It showed Amante's untrustworthiness in complying with his obligation under the contract of sale with Dungca. Amante cannot escape liability by questioning Dungca's ownership over the motorcycle. Amante knew or ought to know that the ownership of the motorcycle was in dispute. A buyer is expected to exercise due diligence in determining the ownership of the property subject of the purchase.

Amante's acts also show his lack of integrity – or “the ability to do the right thing in accordance with the law and ethical standards everytime.”<sup>21</sup> Even if this Court were to believe that Amante discovered such anomaly one month after he purchased the motorcycle, Amante never alleged, much more proved, that he attempted to return the motorcycle immediately upon such discovery in exchange for a refund of his ₱5,000.00 downpayment. If at all, Amante only claims to be willing to return the motorcycle in exchange for a refund of his downpayment in his Comment to the instant administrative complaint.

Amante's act of keeping possession of the motorcycle for three years (since December 15, 2017) shows his desire to benefit from the use of the said motorcycle without any intention of paying the purchase price. As a court employee, Amante is expected to follow legal processes if he sincerely wanted to cancel the purchase upon his discovery of the motorcycle's true ownership. Amante cannot be absolved from any administrative liability upon a mere willingness to return the subject motorcycle – especially since his “willingness” seems to be a consequence of the instant administrative complaint.

Also, Amante violated Section 1,<sup>22</sup> Canon IV of the Code of Conduct for Court Personnel when he engaged in a personal transaction with Dungca during office hours.

Following Section 55<sup>23</sup> of the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS), Amante should be imposed

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<sup>21</sup> See *Republic v. Sereno*, G.R. No. 237428, May 11, 2018.

<sup>22</sup> Section 1. Court personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.

<sup>23</sup> Section 55. *Penalty for Multiple Offenses*. If the respondent is found guilty of two (2) or more different offenses, the penalty to be imposed should be that corresponding to the more serious offense and the rest shall be considered as aggravating circumstances.

x x x x

the penalty corresponding to the most serious charge with the rest considered as an aggravating circumstance because he committed two infractions – simple dishonesty and violation of Section 1, Canon IV of the Code of Conduct for Court Personnel. While the Code of Conduct for Court Personnel does not have a list of penalties for its violation, simple dishonesty is punishable under Section 50(E), Rule 10 of the 2017 RACCS by a penalty of suspension ranging from one month and one day to six months for the first offense. However, this Court agrees with the OCA in mitigating the penalty to a fine of ₱5,000.00 given his nearly 23 years of service in the judiciary.

This Court also adopts the OCA's recommendation of directing Amante to pay the balance of ₱25,000.00. It is undisputed that Amante has been in possession of the subject motorcycle for more than three years, since December 15, 2017. If We were to simply restore the *status quo* between the parties, an unjust situation will result where Amante had free use of the motorcycle for more than three years and Dungca receives a worn down, if not dilapidated, motorcycle. Such a situation would be tantamount to awarding Amante for his dishonest behavior. Nevertheless, We find a period of six months for Amante to pay Dungca the balance of ₱25,000.00 too long. Amante's failure to pay the ₱25,000.00 balance in 5 monthly installments, or until May 2018, allowed him to use the motorcycle without complying with his reciprocal obligation for the past two and a half years. Thus, Amante is given a period of 30 days within which to pay Dungca the ₱25,000.00 balance. Interest at the rate of six percent *per annum* is imposed on the said amount, which shall accrue from the time of Amante's receipt of this Resolution until full payment.<sup>24</sup>

The Court has consistently been reminding officials and employees of the Judiciary that their conduct or behavior is circumscribed with a heavy burden of responsibility and that they are expected to act with propriety, honesty and fairness in all their dealings.<sup>25</sup> "The image of a court of justice is mirrored in the conduct, official or otherwise, of the women and men who work in the judiciary, from the judge to the lowest of its personnel."<sup>26</sup>

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<sup>24</sup> *Reyes, Jr. v. Atty. Socrates R. Rivera*, A.C. No. 9114, October 6, 2020, citing *San Gabriel v. Sempio*, A.C. No. 12423, March 26, 2019.

<sup>25</sup> *Diomampo v. Laribo, Jr.*, 687 Phil. 47, 52 (2012); see also *Re: Deceitful Conduct of Ignacio S. del Rosario, Cash Clerk III, Records and Miscellaneous Matter Section, Checks Disbursement Division, FMO-OCA*, 672 Phil. 383, 390 (2011).

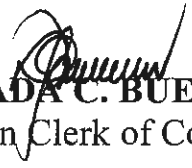
<sup>26</sup> *Id.* at 54.

**WHEREFORE**, We find respondent Mario C. Amante, process server of the Metropolitan Trial Court of Pasig City, Branch 70, **GUILTY** of simple dishonesty for which he is **FINED** ₱5,000.00, with a **STERN WARNING** that the commission of the same or a similar act will be dealt with more severely.

Respondent Mario C. Amante is likewise **DIRECTED** to pay complainant Ma. Estrella S. Dungca the balance of ₱25,000.00 within 30 days from the receipt of this Resolution, which shall earn legal interest at the rate of six percent (6%) *per annum* from his receipt of this Resolution until full payment.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *04/26/21*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
**192-B**

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