

JOCELYN E. GREFALDEO, COMPLAINANT, VS. JUDGE RICA H. LACSON, PRESIDING JUDGE, MUNICIPAL TRIAL COURT, SORSOGON, SORSOGON, RESPONDENT.

A.M. No. MTJ-93-881. August 03, 1998

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PER CURIAM:

JUDGE RICA H. LACSON of the Municipal Trial Court of Sorsogon, Sorsogon, is charged with grave misconduct, dishonesty, dereliction of duty and gross ignorance of the law in a sworn complaint dated 20 September 1993 filed by Jocelyn E. Grefaldeo with the Office of the Court Administrator (OCA). Complainant Grefaldeo alleges that she is the accused in Crim. Cases Nos. 10015-10033 for estafa through falsification of commercial documents pending before the sala of respondent Judge; that complainant filed a motion to dismiss the case on 20 September 1991 but respondent failed to resolve it for a period of more than two (2) years as of the time she filed her complaint; that respondent continued to be complacent and derelict in her duty notwithstanding an "Urgent Motion to Resolve Pending Motion to Dismiss" filed by complainant's counsel on 24 March 1993; and, that respondent falsely attested in her certificates of service for the period January 1992 to March 1993; and, that respondent falsely attested in her certificates of service for the period January 1992 to March 1993 that she had resolved all motions and cases pending before her sala within the mandatory 90-day period notwithstanding, among others, the unresolved motion to dismiss.

Respondent Judge did not - repeat, did not - bother to refute the foregoing charges. She did not even file any comment thereon despite repeated resolutions of this Court requiring her to do so.

The records show that on 8 December 1993 we required respondent Judge to comment on the complaint within ten (10) days from notice. Despite receipt of the resolution on 3 January 1994, she did not file the required comment. Consequently, on 1 June 1994 we ordered her to show cause why she should not be disciplinarily dealt with or held in contempt for failing to file the required comment and to file such comment, both within ten (1) days from notice. Notwithstanding receipt of our resolution on 16 June 1994, respondent Judge again failed to comply therewith within the period which expired on 26 June 1994.

On 22 February 1995 we imposed on respondent Judge a fine of P500.00 payable within ten (10) days from notice or suffer imprisonment of five (5) days if such fine was not paid, and ordered her to comply with the resolution of 1 June 1994 requiring explanation and comment, also within ten (10) days from notice. Despite receipt of the resolution on 14 March 1995, it was not until almost nine (9) months later, or on 4 December 1995, that respondent paid the fine. She did not however comply with our resolution requiring explanation and comment.

Consequently, on 11 March 1996 we issued another resolution which was received by respondent Judge on 25 March 1996 imposing an increased fine of P1,000.00 or imprisonment of five (5) days in case such fine was not paid within ten (10) days from notice. In addition, we reiterated our resolution of 22 February 1995 requiring explanation and comment stressing that compliance should be within a non-extendible period of ten (10) days from notice. Again, respondent did not heed our directive. She neither paid the fine nor submitted the required

explanation and comment.

Considering the lapse of more than three (3) years since respondent Judge was first required to answer the administrative charges filed against her, the OCA recommended that her deafening silence be considered a tacit admission thereof and that she be suspended from office for six (6) months without pay.[1] Nonetheless, to give respondent another chance to defend herself, and as a gesture of pure benevolence, we referred the matter back to the OCA with instruction to require her to comment on the complaint.[2] However, the letter dated 11 August 1997 signed by Deputy Court Administrator Reynaldo L. Suarez giving respondent another 10-day period to file her comment was again ignored. She did not file any comment.

On 27 November 1997 the OCA again sent a letter to respondent directing her to file her comment otherwise the matter would be deemed submitted for resolution. As in the past, no response came from respondent.

We have often said that every officer or employee in the Judiciary is duty bound to obey the orders and processes of this Court without the least delay and to exercise at all times a high degree of professionalism.[3] In the instant case, respondent Judge was merely called upon to answer the administrative charges filed against her. It would have been quite simple for her to comply when first required to do so. However, it appears that respondent is not at all interested in clearing her name. Either that, or she simply has nothing to say in her defense. The natural instinct of man impels him to resist an unfounded claim or imputation and defend himself.[4] It is totally against our human nature to just remain reticent and say nothing in the face of false accusations. Hence, silence in such cases is almost always construed as implied admission of the truth thereof.

In the case of respondent, after the numerous opportunities given her to comment on the charges, no comment came. What we have instead is her defiant and contumacious silence for a period of more than three (3) years. Consequently, we are left with no choice but to deduce her implicit admission of the charges levelled against her. *Qui tacet consentire videtur. Silence gives consent.*[5]

Respondent Judge is charged with dereliction of duty in failing to resolve a simple motion to dismiss for a period of more than two (2) years, and for falsely stating in her certificates of service for the same period that she had no pending motions for resolution.

We have repeatedly held that delay in resolving motions and incidents pending before a judge within the 90-day period fixed by the Constitution amounts not only to gross inefficiency but also constitutes a violation of Rule 3.05, Canon 3, of the Code of Judicial Conduct, which mandates that a magistrate shall dispose of the court's business promptly and decide cases within the required periods.[6] Worse, making a false statement in a certificate of service constitutes falsification of an official document warranting the penalty of dismissal under Memorandum Circular No. 30 of the Civil Service[7] dated 20 July 1989.[8]

But what really sealed the fate of respondent Judge is her continued defiance of no less than four (4) resolutions from this Court and two (2) letters from the OCA ordering her to comment on the complaint. As we have said before, this contumacious conduct merits no compassion.[9] Any disregard or cavalier attitude towards this Court's lawful directives will not be tolerated.[10] Hence, the supreme penalty of dismissal has been unhesitatingly imposed on those who have persistently failed to comply with orders requiring them either to file comment or to show cause and comply.[11] Respondent's obstinate refusal to abide by the refusal to abide by the lawful directives of this Court must similarly be taken to mean as her own utter lack of interest to remain with, if not her contempt of, the system to which she unfittingly belongs.[12] In fact we note that this propensity of respondent Judge to disregard, if not challenge, the authority of this Court is again reflected in another administrative matter pending before us. In A.M. No. 98-5-58-MTC[13] respondent Judge refused to comment and/or take appropriate action on a simple letter request by Angel Majadillas for the expeditious resolution of

Civil Case No. 12-11 pending before her court, despite a reasonable lapse of time and no less than three (3) follow-ups by the Office of the court Administrator.

There are two other pending administrative matters involving respondent Judge, namely, A.M. No. MTJ-92-642, "Carranza et. al. v. Judge Lacson et al.," for delay in the resolution of two (2) criminal cases pending with her and falsification of certificates of service, and A.M. No. MTJ-93-745, "Janoras v. Judge Lacson," for evident partiality and oppression. However these are not necessary in the adjudication of the instant case as respondent Judge's contumacious conduct here alone justifies beyond argument the imposition of the ultimate penalty of dismissal.

It may be pertinent to mention that on 27 December 1994 respondent Judge Rica H. Lacson, together with another Judge, was charged by Director Ma. Suzette M. Agcaoili of the DSWD Regional Office No. V, and Cecile Buenafe, private complainant in a case for sexual abuse of a minor under RA No. 7610, with "gross misconduct, conduct unbecoming members of judiciary, abuse of judicial authority and deliberate obstruction of justice for entering the premises of the Center for Girls in Pampang, Sorsogon, Sorsogon, without authority, and for pressuring Cecile (Buenafe), who was temporarily residing thereat, into signing an Affidavit of Desistance to procure the dismissal of the criminal case for rape against Judge Panday." In that case, respondent Judge Rica H. Lacson was found "administratively liable for engaging in notarial services in connection with cases unrelated to her official functions as municipal judge of Sorsogon. Accordingly, she is meted a FINE of Ten Thousand Pesos (P10,000.00) with warning that a repetition by her of similar acts will be dealt with more severely."

WHEREFORE, respondent Judge Rica H. Lacson is DISMISSED from the service with forfeiture of all her accrued retirement benefits and other privileges, if any, with prejudice to re-employment in any branch, agency or instrumentality of the government, including government-owned or controlled corporations. This judgment is immediately executory and respondent is directed to cease and desist from performing the functions of the office of Judge, Municipal Trial Court, Sorsogon, Sorsogon upon receipt of this Decision, except to turn over all her cases and property accountabilities to the Clerk of Court or whoever is officially designated in charge of her court.

SO ORDERED.

Narvasa, C.J., Regalado, Davide Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Martinez, Quisumbing and Purisima JJ., concur.

[1] Memorandum dated 20 January 1997 by Deputy Court Administrator Reynaldo L. Suarez.

[2] Internal Resolution dated 21 July 1997.

[3] Chan v. Castillo, A.M. No P-94-1055, 25 November 1994, 238 SCRA 359; Pascual v. Duncan, A. M. No. R-668-P, 23 December 1992, 216 SCRA 786.

[4] Francisco, Vicente J., The Revised Rules of Court in the Philippines (1973 ed.), Vol VII, p. 316.

[5] Ibid.

[6] Guintu v. Lucero , A.M. No. MTJ-93-794, 23 August 1996, 261 SCRA 1, 7, citing Ubarra v. Tecson, A.M. No. R-4-RTJ, 17 January 1985, 134 SCRA 4; Cruz v. Basa, A.M. No. MTJ-91-598, 9 February 1993, 218 SCRA 551; Ancheta v. Antonio, A.M. No. MTJ-91-560, 11 March 1994, 231 SCRA 75.

[7] Office of the Court Administrator v. Judge Amer Bara-acal, A.M. No. SCC-95-2, 31 March 1998.

[8] Re: Guidelines in the Application of Penalties in Administrative Cases.

[9] See Note 5; *Parane v. Reloza*, A.M. No. MTJ-92-718, 7 November 1994, 238 SCRA 1, 4.

[10] *Ibid.*

[11] *Parane v. Reloza*, A.M. No. MTJ-92-718, 7 November 1994, 238 SCRA 1; *Longboan v. Polig*, A.M. No. R-704-RTJ, 14 June 1990, 186 SCRA 557.

[12] *Ibid.*

[13] *Re: Request for Expeditious Resolution of Civil Case No. 12-11 Pending with MTC, Sorsogon, Sorsogon.*

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