

**NAAWAN COMMUNITY RURAL BANK, REPRESENTED BY COUNSEL,
ATTY. IKE L. ROA, COMPLAINANT, VS. MERCED R. MARTINEZ,
STENOGRAPHER III, REGIONAL TRIAL COURT, BRANCH 18,
CAGAYAN DE ORO CIT...**

A.M. No. P-02-1587. June 05, 2002

Ponente: MENDOZA, J.

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MENDOZA, J.:

This is a complaint, dated May 20, 1999, filed by Naawan Community Rural Bank against Merced R. Martinez, Stenographer III, Regional Trial Court, Branch 18, Cagayan de Oro City, for willful failure to pay her just debt.

It appears that respondent signed a promissory note^[1] as co-maker of her fellow employee Samuel J. Suarez to pay for a loan of P5,000.00 granted to the latter. Respondent, together with another co-maker Ligaya Quijada, bound herself jointly and severally with Samuel J. Suarez to pay complainant P5,000.00, with interest at the rate of 24% per annum.

The promissory note fell due on January 19, 1990, but respondent and her co-makers failed to pay despite demands, for which reason Civil Case No. 284 was filed in the 10th Municipal Circuit Trial Court (Lugsit-Manticao-Naawan) of Misamis Oriental against her, Samuel J. Suarez, and Ligaya Quijada. On September 11, 1990, judgment^[2] was rendered by the court ordering respondent and her co-defendants to pay complainant jointly and severally the amount of P5,000.00, representing the principal, in addition to P562.00 for interest and penalties, P500.00 for litigation expenses, P1,112.00 for attorney's fees, and costs.

Complainant claims that respondent has willfully refused to pay her judgment debt which, as of May 18, 1999, amounted to P15,012.00,^[3] and prays that the proper sanctions be made against her under the law.

Respondent was required to comment but, despite receipt of this Court's order on August 3, 1999, she failed to do so. Another letter was sent to respondent which she received on September 12, 2000, reiterating the directive for her to file her comment and giving her another five (5) days within which to file her comment. However, despite warning that if she still did not file her comment this case would be submitted for resolution, respondent again failed to file her comment.

Hence, in its resolution of February 27, 2002, the Court considered respondent to have waived the right to file comment. Complainant was required to manifest whether it was submitting the case for resolution on the basis of its complaint and the annexes thereto or whether it wanted to present additional evidence. As complainant has not informed the Court as required, the case is now submitted for decision.

The Court finds for complainant. Book V, Title I, Chapter 7, Subtitle A (Civil Service Commission), §46(b)(22) of the Revised Administrative Code of 1987 (E.O. No. 292) provides as one of the grounds for disciplinary action against civil service employees the "Willful failure to pay just debts or willful failure to pay taxes to the government." The term "just debts" is defined in Rule XIV, §23 of the Implementing Rules of the Civil Service

as —

- claims adjudicated by a court of law, or
- claims the existence and justness of which are admitted by the debtor.

In this case, respondent's willful refusal to pay a just debt has been clearly established. What was said in *Grefaldeo v. Lacson*,^[4] therefore, applies to this case:

The natural instinct of man impels him to resist an unfounded claim or imputation and defend himself. 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. . . . 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.

Respondent's conduct is unbecoming a public official.^[5] Indeed, court personnel must comply with just contractual obligations, act fairly, and adhere to high ethical standards to preserve the integrity of the Judiciary.^[6] Under Rule XIV, §23 of the Implementing Rules of the Civil Service, the willful failure to pay just debts is considered a light offense punishable by reprimand for the first offense. As this is respondent's first offense, the appropriate penalty is therefore reprimand.

Moreover, respondent's failure to comment on the complaint against her for nearly three years constitutes a disregard of the duty of every employee in the Judiciary to obey the orders and processes of the Supreme Court without delay.^[7]

WHEREFORE, the Court finds respondent Merced R. Martinez, Court Stenographer III, Regional Trial Court, Branch 18, Cagayan de Oro City, guilty of willful failure to pay her just debt and hereby REPRIMANDS her with warning that the commission of the same or similar acts will be dealt with more severely. Respondent is further ADMONISHED to be more diligent in complying with the directives of the Court.

SO ORDERED.

Bellosillo, (Chairman), Quisumbing, De Leon, Jr., and Corona, JJ., concur.

[1] Complaint, Annex A.

[2] *Id.*, Annex B. It appears from the decision of the MCTC that respondent and her co-defendants failed to file their answer despite receipt of the summons, constraining the MCTC to decide the case based on the evidence of complainant.

[3] *Id.*, Annex C.

[4] 293 SCRA 524, 528 (1998).

[5] *Martinez v. Muñoz*, 249 SCRA 14 (1995).

[6] *Manalo v. Demaala*, 104 SCRA 330 (1981); *Garciano v. Oyao*, 102 SCRA 195 (1981).

[7] *Pascual v. Duncan*, 216 SCRA 786 (1992).

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