

EN BANC

[A.M. NO. MTJ-04-1530, March 07, 2007]

FRANCISCO PALON, JR., COMPLAINANT, VS. JUDGE PLACIDO B. VALLARTA, MUNICIPAL CIRCUIT TRIAL COURT, CABIAO-SAN ISIDRO, NUEVA ECIJA, RESPONDENT.

D E C I S I O N

PER CURIAM:

On 8 December 2000, Carlos Pangilinan (Pangilinan) filed a complaint for Frustrated Murder against Francisco Palon, Jr. (Palon) before the Regional Trial Court of Gapan, Nueva Ecija. The case was docketed as Criminal Case No. 198-2000. Upon preliminary investigation before the Municipal Circuit Trial Court, Cabiao-San Isidro, Nueva Ecija (MCTC-Cabiao-San Isidro), respondent Judge Placido B. Vallarta (respondent judge) issued an Order dated 29 May 2001 for the issuance of a warrant of arrest of Palon.^[1]

It appears that Palon is the offended party in another case, Criminal Case No. 66-01, for Attempted Homicide filed against accused Arturo Mendoza (Mendoza) and Pangilinan. On 7 June 2001, respondent judge issued a warrant for the arrest of Mendoza and Pangilinan. Respondent judge did not sign the warrant of arrest.^[2]

Palon filed the instant complaint for Ignorance of the Law, Dereliction of Duty, and Partiality claiming that respondent judge failed to "evaluate the Information" filed by the Office of the Provincial Prosecutor of Nueva Ecija and likewise failed to sign the warrant of arrest in Criminal Case No. 66-01.

Palon asserts that respondent judge refused to act on the information because respondent judge is related by affinity within the fourth civil degree to Pangilinan, one of the accused in Criminal Case No. 66-01. Palon further alleges that he filed a motion^[3] to remand Criminal Case No. 198-2000 to the Office of the Provincial Prosecutor of Nueva Ecija on the ground that the offense charged is cognizable by the regional trial court and that respondent judge is related to Pangilinan's sister. However, respondent judge ignored the motion.

Palon also claims that in the scheduled preliminary investigation of Criminal Case No. 198-2000, he and his co-accused, with their counsel, were present but the hearings were postponed at the instance of respondent judge. However, on the only occasion that the accused requested for postponement of the hearing because their counsel could not attend, respondent judge allegedly retorted, "*Wala akong paki-alam kung hindi darating ang abogado ninyo; magsumbong na kayo kahit saan.*" When respondent judge stepped down from his rostrum, he approached the father of Palon and told him, "*Kapitbahay, ang magiging bail ninyo ay P20,000 bawat isa; kaysa ibayad ninyo ito sa bail ay ibayad na lang ito kay Carlos Pangilinan, at kung kukulangin man, ay ako na ang bahala, at hulugan ninyo nalang ito.*"^[4]

Respondent judge failed to comment on the complaint despite the notice sent to him.^[5] He is therefore deemed to have waived his right to file the same. Further, it appears that per Certification by the Clerk of Court of MCTC-Cabiao-San Isidro, respondent judge filed a letter of resignation on 10 June 2002. The Certification was noted in this Court's Resolution dated 19 July 2004.

On 16 February 2004, the Court required the parties to manifest, within ten days from notice, if they were willing to submit the case for resolution based on the pleadings filed. Complainant filed his manifestation stating that respondent judge did not file his answer or any responsive pleading and in fact, he had resigned from the service. Complainant manifested that he was submitting the case for the Court's appropriate resolution. Respondent judge did not file any manifestation.

The Office of the Court Administrator (OCA) stated that respondent judge was given an opportunity to explain his side but he chose not to comply with the Court's directives. His refusal to controvert the allegations against him is deemed an admission of the truth of the charges.

Upon verification, the OCA found that respondent judge filed a letter of resignation as municipal judge of MCTC-Cabiao-San Isidro on 10 June 2002.^[6] The OCA would have recommended the dismissal of respondent judge had he not resigned during the pendency of this case. Instead, the OCA recommended that the benefits and privileges that respondent judge might be entitled to be forfeited with prejudice to reinstatement or re-employment in any branch or instrumentality of the government, including government-owned or controlled agencies or corporations.

Respondent judge failed to comment on the complaint or file any responsive pleading or manifestation despite receipt of notice to do so. He, instead, filed a letter of resignation. The natural instinct of man impels him to resist an unfounded claim or imputation and defend himself. It is against human nature to just remain reticent and say nothing in the face of false accusations. Hence, silence in this case is an admission of the truth of the charges.^[7] Respondent judge is deemed to have admitted the charges against him.

Every officer or employee in the judiciary has the duty to obey the orders and processes of this Court without delay.^[8] A resolution of this Court requiring comment on an administrative complaint is not a mere request from the Court. It cannot be complied with partially, inadequately, or selectively. Respondents in administrative complaints should comment on all accusations or allegations against them in the administrative complaints because it is their duty to preserve the integrity of the judiciary. The Court will not tolerate indifference of respondents to administrative complaints and to resolutions requiring comment on such administrative complaints.

There is no place in the judiciary for those who cannot meet the exacting standards of judicial conduct and integrity. It is gross misconduct, even disrespect to the highest Court of the land, for a respondent judge to exhibit indifference to the resolution requiring him to comment on the accusations in the complaint.^[9] Indifference or defiance to this Court's orders or resolutions is punishable with dismissal, suspension, or fine as warranted by the circumstances.^[10]