

## **EN BANC**

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

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

### **D E C I S I O N**

#### **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.<sup>[1]</sup> 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.<sup>[2]</sup> 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.<sup>[3]</sup> 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.<sup>[4]</sup> 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.<sup>[5]</sup>

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