



Supreme Court of the Philippines Philippine Judicial Academy



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Judges; Gross misconduct:

Following proper procedure for the withdrawal of fiduciary funds, respondent Judge should have issued an order directing the withdrawal of the cash bond from the authorized depository bank and referred the matter to the authorized signatories.

While there is no direct and hard evidence that respondent Judge made personal use of the cash bond, his wife's issuance of her personal check to complainant in the amount of the cash bond, which check respondent judge even admitted to have been drawn from an account which was treated as "a joint account" with his wife, indicates so.

By his actuations respondent Judge placed his honesty and integrity under serious doubt. Respondent judge's paying back of the collection does not thus absolve him. He was found guilty of gross misconduct constituting a violation of the Code of Judicial Conduct and was ordered suspended for three months and fined P20,000.00. (A.M. No. MTJ-04-1525, January 29, 2004)

Judges; Serious Misconduct:

Upon his assumption to office, a judge ceases to be an ordinary mortal. He becomes the visible representation of the law and, more importantly, of justice. He must be the embodiment of competence, integrity and independence. A magistrate of the law must comport himself at all times in such manner that his conduct, official or otherwise, can bear the most searching scrutiny of the public that looks up to him as the epitome of integrity and justice.

In uttering "I don't care who you are. You can file one thousand administrative complaints against me. I don't care!", respondent can easily instill in the minds of those who heard him that as a judge he is above the law. Such a remark creates an impression on the public that whatever administrative case they will file against respondent or against any judge will only be a futile exercise. Statements such as those made by respondent judge erode the public's confidence in the integrity of the judiciary. Respondent's unwarranted statement is a clear derogation of his duty to be faithful to the law which he swore to uphold as a member of the judiciary.

Respondent judge was reprimanded. (A.M. No. RTJ-03-1793, February 5, 2004)

Judges; Misconduct of; acts constituting discourtesy:

Respondent's unfounded act of insulting the complainant in open court and cutting her off in mid-sentence while she was still explaining her side exhibited a manifest disregard by respondent of his duty to be patient, attentive, and courteous to lawyers. A judge should conduct proceedings in court with fitting dignity and decorum. Respondent cannot justify his action by a desire to hasten the proceedings before him.

The duty to maintain respect for the dignity of the court applies to members of the bar and bench alike. A judge should be courteous both in his conduct and in his language especially to those appearing before him. He can hold counsels to a proper appreciation of their duties to the court, their clients and the public without being petty, arbitrary, overbearing, or tyrannical. He should refrain from conduct that demeans his office and remember that courtesy begets courtesy. Above all he must conduct himself in such a manner that he gives no reason for reproach.

Respondent judge was reprimanded for discourtesy against complainant. (A.M. No. RTJ-03-1793, February 5, 2004)

Judges; Gross misconduct:

Well settled is the rule that unless the acts were committed with fraud, dishonesty, corruption, malice or ill-will, bad faith or deliberate intent to an injustice, the respondent judge may not be held administratively liable for gross misconduct, ignorance of the law or incompetence in the exercise of judicial functions and duties, particularly in the adjudication of cases. Further, to hold a judge administratively accountable for every erroneous rule or decision he renders would be nothing short of harassment and would make his position doubly unbearable. To hold otherwise would be to render judicial office untenable, for no one called upon to try the facts or interpret the law in the process of the administration of justice can be infallible in his judgment. (A.M. No. CA-04-36, February 18, 2004)

Judges; Failure to comply with lawful directives:

The respondent's failure to comply with the Court's directive to file his comment constitutes a blatant display of his indifference to the lawful directives of the court and constitutes gross misconduct and insubordination. Respondent was fined P10,000.00. (AM No. MTJ-03-1515, February 3, 2004)

Judges; Gross ignorance of the law:

A judge owes it to the public to be knowledgeable, for ignorance of the law is the mainspring of injustice. A judge must know the laws and apply them properly in all good faith.

Respondent judge should have appointed a guardian *ad litem* for the child, to protect her welfare and interest, instead of hastily dismissing the rape case. The Rule on Examination of a Child Witness, which took effect on December 15, 2000, governs the examination of child witnesses who are victims of, accused of, or witnesses to a crime. In the absence or incapacity of the parents to be the guardian, Section 5 (a) of said rule provides that the court may appoint a guardian *ad litem* to promote the best interests of the child. This rule was already in effect when respondent dismissed the rape case on May 22, 2001. Respondent was ordered to pay the fine of P10,000.00 and admonished to be more circumspect in the performance of judicial duties and functions. **(AM No. RTJ-03-1753, February 5, 2004)**

Judges; Required competence; penalty for commission of acts constituting ignorance of the law

A judge is obliged to be faithful to the law and to maintain professional competence. As an advocate of justice and a visible representation of the law, a judge is expected to exhibit more than a cursory acquaintance with the basic legal norms and precepts as well as with statutes and procedural rules. Where a judge disregards an established rule of law amounting to ignorance thereof, he is liable to disciplinary action. x x x

Under Section 8, Rule 140 of the Rules of Court governing the discipline of judges, gross ignorance of the law or procedure is classified as a serious charge which is punishable by (a) dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations, provided, however, that the forfeiture of benefits shall in no case include accrued leave benefits; (b) suspension from office without salary and other benefits for more than three (3) but not to exceed six(6) months; (c) a fine of more than P20,000.00 but not exceeding P40,000.00. **(A.M. No. MTJ-02-1438, January 22, 2004)**

Judges: Undue delay in deciding cases

Respondent judge admitted having failed to decide cases submitted for decision or resolution on time but attributed the same to the case filed against him by another judge. Such justification is not sufficient to vindicate him of any liability for his failure to decide on time. Respondent should not allow his personal problems to interfere with his official duties and functions. It cannot be overemphasized that the public's faith and confidence in the judicial system is eroded when their cases are delayed. Procrastination among members of the judiciary in rendering decisions and acting upon cases before them not only causes great injustice to the parties involved but also invites suspicion of ulterior motives on the part of the judge.

Knowing that he could not dispose of the case on time, he should have requested an extension of time to decide or resolve the subject cases. The Supreme Court has always been sympathetic to requests made by judges for extension of time for deciding cases and other matters and incidents related thereto. Such requests are generally granted.

Respondent was found guilty of undue delay in deciding cases and was fined P20,000.00. **(A.M. No. 02-9-568-RTC, February 11, 2004)**

The reasons proffered by respondent judge for the delay in the rendition of a decision and in the resolution of pending motions will not exonerate him from any administrative liability. Respondent's health problems which severely impaired his ability to cope with the pressure of his judicial functions will only mitigate his liability for failure to decide and resolve cases on time. Aware of his physical adversities, respondent should have asked from the Court for an extension of time to decide and resolve cases. There is no showing in his explanation that he has requested an extension of time to decide the cases submitted for decision or resolution.

The Court has, time and again, held that when circumstances arise that could render them incapable of seasonably acting, all that a judge should do is to request from the Court, an extension of time to resolve or decide the pending matter. The Court, sympathetic of the concerns of the judges, often grants such request.

Thus, the failure of respondent to decide cases with dispatch constitutes gross inefficiency and warrants the imposition of administrative sanctions on him. Respondent judge was found guilty of undue delay in deciding cases and was fined P20,000.00. **(A.M. No. 02-9-568-RTC, February 11, 2004)**

Respondent judge decided the case beyond the 90-day reglementary period within which to decide. While a request for extension to decide the same was made, said request was not mailed nor presented to the audit team. Respondent should not blame the inefficiency of his staff for his unfortunate predicament. A judge cannot take refuge behind the inefficiency or mismanagement of court personnel. Proper and efficient court management is as much his responsibility. He is the one directly responsible for the proper discharge of his official functions. Furthermore, he cannot escape administrative liability by pointing to lapses, absences or negligence of court personnel under him. After all, the proper and smooth functioning of his sala is his responsibility and court personnel are no different from ordinary civil service employees, who at one time or another, commit errors or become negligent.

The Code of Judicial Conduct decrees that a judge should administer justice impartially and **without delay**. He should be imbued with a high sense of duty and responsibility in the discharge of his obligation to **promptly** administer justice. It need not be overemphasized that any delay in the determination or resolution of a case no matter how insignificant is, at the bottom line, delay in the administration of justice in general. **(A.M. No. 02-9-568-RTC, February 11, 2004)**

Judges; Violation of Rules governing bail bonds, rental deposits and other fiduciary collections:

As provided under SC Circular No. 50-95, all collections from bail bonds, rental deposits and other fiduciary collections shall be deposited within 24 hours by the Clerk of Court concerned, upon receipt thereof, with the Land Bank of the Philippines, in the name of the court, with its Clerk of Court and the Executive Judge as authorized signatories; and every withdrawal thereof via withdrawal slips bearing the signature of the Executive Judge/Presiding Judge and countersigned by the Clerk of Court must be accompanied by a court order which indicates the amount to be withdrawn.

Both the safekeeping of funds and collections are essential to an orderly administration of justice and no protestation of good faith can override the mandatory nature of the circulars which are designed to promote full accountability for government funds.

Respondent Judge was suspended for three months and fined P20,000.00 for violating said Circular. (A.M. No. MTJ-04-1525, January 29, 2004)

Judges; Rendering an unjust judgment:

Administrative liability for the offense of knowingly rendering an unjust judgment does not immediately arise solely from the fact of issuance by a judge of a decision, resolution or order which was later adjudged to be erroneous. It must be established that in rendering said decision respondent judge was moved by bad faith, dishonesty, hatred or other similar motives.

For want of evidence that respondent had an interest, personal or otherwise, in the prosecution of the case before him.

the case against him was dismissed for lack of merit. (AM OCA IPI No. 03-1428-MTJ, February 9, 2004)

Judges; Immunity for judicial Acts:

Settled is the rule that the acts of a Judge done in his judicial capacity are not subject to disciplinary action unless the same were made with conscious and deliberate intent to do an injustice. The purpose of this judicial immunity is to preserve the acts and independence of the judiciary. (Equitorial Realty Dev., Inc. vs. Anunciacion, Jr., 280 SCRA 571; Guerrero vs. Villamor, 296 SCRA 88) There appears no such evidence presented in this case against the respondent judge. Moreover, the respondent judge already inhibited herself from further proceeding with the aforementioned criminal cases.

The complaint was dismissed for lack of substantial evidence to hold the respondent administratively liable. (AM OCA IPI No. 03-1772-RTJ, February 9, 2004)

It is a matter of public policy that in the absence of fraud, dishonesty or corrupt motive, the acts of a judge in his judicial capacity are not subject to disciplinary action even though such acts are erroneous. Complainant in this case failed to establish that respondent judge was motivated by fraud, dishonesty or corrupt motive. Besides, respondent judge was able to sufficiently explain his assailed orders and belie the charges as supported by the records of the case.

The Court dismissed the administrative complaint against respondent for lack of merit. (AM OCA IPI No. 03-1437-MTJ, February 11, 2004)

Judges; Protection against unsubstantiated charge:

It must be stressed that in administrative proceedings, the complainant has the burden of proving the allegations in his complaint with substantial evidence. In the absence of evidence to the contrary, the presumption that the respondent has regularly performed his duties will prevail. Even in administrative cases, if a respondent judge should be disciplined for a grave offense, the evidence against him should be competent and should be derived from direct knowledge.

In this case, the complainant failed to substantiate the charges he made against the respondent judge, let alone appear before the investigating magistrate to prove his allegations. Although it is a settled rule that even the desistance of witnesses themselves does not operate to divest this Court from investigating a matter involving its personnel, it is equally true that reliance on mere allegations, conjectures and suppositions will leave an administrative complaint with no leg to stand on. Charges based on mere suspicion and speculation cannot be given credence.

While it is our duty to investigate and determine the truth behind every matter in complaints against judges and other court personnel, it is also our duty to see to it that they are protected and exonerated from baseless administrative charges. The Court will not shirk from its responsibility of imposing discipline upon its magistrates, but neither will it hesitate to shield them from unfounded suits that serve to disrupt rather than promote the orderly administration of justice.

Complaint against respondent judge was dismissed for lack of merit. (A.M. No. MTJ-04-1528, February 6, 2004)

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