



Supreme Court of the Philippines Philippine Judicial Academy



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PHILJA Schedule of Seminars for May-June 2006 (as of May 2, 2006)

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| May 3-5 | Cluster 7 for Regions 10, 11, 12, Regional Multi Sectoral Seminar-Workshop on Juvenile and Domestic Relations Justice (Advance Level) Waterfront, Insular, Davao City |
| May 4-5 | Davao Internship Program, Davao City |
| May 8-10 | Regional Mediation Program: La Union Mediation Program – Interview of Prospective Mediators, La Union |
| May 9-10 | Career Enhancement Program (MCLE Compliance) for SC-CA Attorneys (Batch 1) |
| May 10-12 | Judges Training in Bacolod Adjacent Areas, Bacolod JURIS |
| May 11-12 | Regional Mediation Program: Ormoc Mediation Program- Interview of Prospective Mediators, Ormoc City |
| May 16 | Regional Mediation Program: Antipolo Mediation Program- Interview of Prospective Mediators |
| May 17-19 | 4 th National Convention and General Assembly of Philippine Association of Court Interpreters (PHILACI), Regent Hotel, Naga City |
| May 18-19 | Environmental Law Seminar (HARIBON) CARAGA Region, Davao City |
| May 18-19 | Re Orientation Seminar for Court-Annexed Mediators with Oath Taking Ceremony and Inauguration of PMC Unit, Cagayan De Oro City |
| May 24-26 | Regional Judicial Career Enhancement Program – NCJR Batch 1, Manila |
| May 25-26 | Lawyer's Training Curriculum finalization and Meeting with presenters, JURIS |
| May 29-June 9 | Orientation for Newly Appointed Judges, PDCI, Tagaytay City |
| May 30 | Discussion Forum for Sandiganbayan Justices |
| May 31 – June 2 | Convention of FLECCAP, Bohol, Tropics, Tagbilaran City |
| June 5-6 | Regional Mediation Program: General Santos City (with Oath Taking Ceremony and Inauguration of PMC Unit |
| June 6-8 | RJCEP (Round 4) NCJR – for Newly Appointed Judges Only |
| June 13-15 | Orientation for Newly Appointed Clerks of Court (RTC Level) |
| June 21-23 | Regional Judicial Career Enhancement Program – NCJR Batch 2, Manila |
| June 28-30 | Cluster 8 for Regions 5-9, Regional Multi Sectoral Seminar-Workshop on Juvenile and Domestic Relations Justice (Advance Level), Legaspi City, RLO, Dept of Special Areas of Concerns |

Judges: gross ignorance of the law

Respondent is indeed guilty of gross ignorance of the law in the light of the following discussions.

Respondent judge issued the Order faulting the complainant for indirect contempt despite the fact that she had up to 5:00 p.m. of the day to comply with his order, thus depriving her of the opportunity to be heard thereon as called for by Section 4 of Rule 71; refusing to sign the order for her to be released; and, instructing the Clerk of Court not to accept the cash bond complainant posted at the Office of the Municipal Treasurer, despite the provision of the Rules of Criminal Procedure that the cash bond of an accused can be deposited with the nearest collector of internal revenue or provincial or municipal treasurer. Respondent was **FINED** in the amount of Php 20,000 for gross ignorance of the law, (A.M. No. MTJ-05-1615, February 22, 2006)

Same; same

Judges are expected to exhibit more than just cursory acquaintance with statutes and procedural laws. In all good faith, they must know the laws and apply them properly. Judicial competence requires no less. Where the legal principle involved is sufficiently basic and elementary, lack of conversance with it constitutes gross ignorance of the law.

As aptly pointed out by the OCA, the termination of a preliminary investigation upon the filing of an information in court is a well-established procedural rule under the Rules of Criminal Procedure. Respondent clearly strayed from the well-trodden path when he grossly misapplied the ruling of the Court in *Sales*. Since a preliminary investigation in the criminal case was held, that stage of legal process was already completed. Respondent judge was found guilty of gross ignorance of the law for which he was **FINED** in the amount of Php 20,000 with stern warning that repetition of the same or similar acts shall be dealt with more severely in the future. (A.M. No. RTJ-05-1966, March 21, 2006)

Same; same; conduct unbecoming

Considering the submissions of the parties, we find that the herein complaint must be dismissed. Complainant's remedy from the adverse decisions is obviously judicial since the complainant is questioning the propriety of the award of damages. It now appears that the aforementioned cases had been elevated to the Court of Appeals; thus, complainant cannot assail in an administrative matter the adverse decisions still pending resolution by the appellate court. Disciplinary proceedings and criminal actions against judges are not complementary or suppletory to, or a substitute for, the judicial remedies which are available. Resort to judicial remedies, as well as the entry of judgment in the corresponding action or proceeding, is a pre-requisite for the taking of the appropriate administrative, civil, or criminal actions against the judges concerned.

Furthermore, the Court finds no substantial evidence to impute bad faith or malice in the failure or delay in the service of the resolution granting the issuance of writs of execution. The affidavits of the Branch Clerk of Court and the process server satisfactorily explain that the delay in the service was due to inadvertence attributable to the heavy workload in the court.

Lastly, the Court is also not convinced that respondent judge deliberately sat on the motion to quash the writs of execution to ensure that the writs would be served first. Records show that the trial court received the motion to quash the order of respondent judge granting the ex-parte motion for the issuance of a supplemental writ of execution on the same day the sheriff issued the notice of levy pursuant to the writ of execution. The administrative complaint against respondent judge was **DISMISSED** for lack of merit. (A.M. OCA IPI No. 04-2121- RTJ, February 6, 2006)

Same; same; gross neglect of duty and serious misconduct

Whether or not respondent judge complied with the procedural rules and whether or not he erred in the exercise of his judicial discretion by dismissing complainant's petition are matters that cannot be taken up in the administrative proceeding. These are clearly for judicial adjudication. A party's remedy, if prejudiced by the orders of a judge given in the course of a trial, lies with the proper reviewing court, not with the OCA by means of an administrative complaint. It is axiomatic that, where some other judicial means is available, an administrative complaint is not the appropriate remedy for every act of a judge deemed aberrant or irregular. The complaint against respondent judge was **DISMISSED** for being judicial in nature. The countercharge for **DISBARMENT** against complainant was **REFERRED** to the Office of the Bar Confidant for appropriate action. (OCA-IPI-05- 2323-RTJ, February 27, 2006)

Same; same; violation of the Code of Judicial Conduct

As to whether the dispositions or orders issued by the respondent are correct or not is a different matter altogether. This is a judicial issue which is not a proper subject of administrative proceedings. Instead of immediately filing the instant administrative complaint, complainant should have exhausted first the judicial remedies available to him. The Court resolved to **Dismiss** the instant administrative complaint against respondent judge for lack of merit. (A.M. OCA IPI No. 05-2264-RTJ, February 13, 2006)

Same; incompetence and violation of the Code of Judicial Conduct

When respondent Judge assumed her judicial functions, she, instead of conducting the initial hearing of the petitions as previously scheduled, heard the motion for reconsideration of the order admitting the petition-in-intervention and the opposition to the motion for reconsideration filed by private respondents and, thereafter, required the counsel for the petitioner-in-intervention to file his reply to the opposition filed by the counsel for private respondents. Under the law, petition for exclusion of voters shall be heard and decided within ten (10) days from its filing x x x

Complainant, however, failed to present corroborating evidence that the other respondent judges were in a villa resort during the office hours with the employees of the court for a long weekend. In administrative proceedings, the complainant has the burden of proving by substantial evidence the allegations in his complaint. Charges based on mere suspicion cannot be given credence. Respondent judge was **ADMONISHED** to be more circumspect in the performance of her duties; while the charges against the other respondent judges were **DISMISSED** for insufficiency of evidence. (A.M. OCA IPI No. 04-2021-RTJ, February 6, 2006)

Same; same; neglect of duty

The propriety or impropriety of the filing of the motion to dismiss in forcible entry cases is a matter which is judicial in nature and hence, beyond the ambit of this administrative proceedings. After the motion for reconsideration was denied, complainant did not anymore avail of other legal remedies. This rendered the resolution dismissing the cases final and executory. Complainant has no one to blame but herself.

Nonetheless, we agree with the recommendation of the OCA imposing on respondent judge a fine for undue delay in resolving the motion to dismiss. Heavy workload due to additional work as acting presiding judge in other courts is not a sufficient justification for the delay. Judges are allowed, upon motion or letter-request, extensions of the reglementary period in deciding cases. Respondent judge was **FINED** Php 10,000 for delay in resolving the motion to dismiss with warning that repetition of the same or similar acts shall merit a more severe penalty. (A.M. No. MTJ-02-1465, February 06, 2006)

Same; same; serious misconduct

The OCA in its Report recommended the dismissal of the case for lack of merit. The OCA noted that the challenged act of respondent pertains to his judicial function and, as such, is not subject to disciplinary power unless committed with fraud, dishonesty, corruption or bad faith, which complainant has not proven or shown. Further, the OCA stated that the complainant has the remedy of filing a motion for reconsideration and an appeal in case of the denial of the former, which he had already pursued.

Finding the recommendation to be in accord with the law and the facts of the case on record, the same was **APPROVED** and the administrative complaint against respondent judge was **DISMISSED** for lack of merit. (A.M. OCA IPI No. 05-2335-RTC, February 13, 2006)

Judges: gross misconduct

Respondent judge was found guilty of gross misconduct, suspended from office for six months without salary and other benefits. She sought for reinvestigation of the administrative case filed against her, and to be allowed to present additional evidence thereto.

It has been said "[t]he wheels of justice would run smoothly not only if the judiciary is purged of the debilitating presence of recreant judges, but also importantly, if the members who perform their functions conscientiously are not hampered by groundless and vexatious charges. In its attempt to cleanse the Aegean stables, so to speak, this Court must tread on with utmost circumspection and prudence to make sure that only the guilty denounced and the innocent absolved. It must be stressed in this regard that in cases where

the charges involved are misconduct in office, willful neglect, corruption or incompetency, the general rules as to admissibility of evidence in criminal trials apply and the culpability of the respondent should be established beyond reasonable doubt.

The motion of respondent seeking for a reinvestigation of the administrative case filed against her was **Granted** and the records of the case was ordered **Remanded** to the Office of the Investigating Executive Judge for further proceedings. (A.M. No. MTJ-05-1609, February 28, 2006)

Same; same; knowingly rendering an unjust judgment

Citing *Bello III v. Diaz*, disciplinary proceedings against judges do not complement, supplement or substitute judicial remedies, whether ordinary or extraordinary, and that an inquiry into their administrative liability arising from judicial acts may be made only after other available remedies have been exhausted.

Thus, while respondent judge admitted in her comment that there has been an oversight or inadvertence on her part, established jurisprudence dictates that proceedings before any action is taken on this administrative matter. The administrative complaint against respondent was **DISMISSED** for being premature. (A.M. OCA-IPI No. 05-2233-RTJ, March 13, 2006)

Same; same; same

It is settled that a judge's failure to interpret the law or to properly appreciate the evidence presented does not necessarily render him administratively liable. Only judicial errors tainted with fraud, dishonesty, gross ignorance, bad faith, or deliberate intent to do an injustice will be administratively sanctioned. To hold otherwise would be to render judicial office untenable, for no one called upon to try the facts or to interpret the law in the process of administering justice can be infallible in his judgment.

In this case, since there is no showing that respondent judge was motivated by bad faith or ill motives in rendering the assailed decision, the charges of gross ignorance of the law and knowingly rendering unjust judgment against him were **DISMISSED**. However, for failing to timely heed the Court's directives requiring him to comment on an administrative case filed against him, respondent was **REPRIMANDED** and **STERNLY WARNED** that a repetition of the same or similar act shall be dealt with more severely. (A.M. No. MTJ-06-1626, March 17, 2006)

Same; same; and dereliction of duty

Well-settled is the rule that disciplinary proceedings and criminal actions against judges are not complementary or suppletory to, or a substitute for, the judicial remedies which are available. Resort to judicial remedies, as well as the entry of judgment in the corresponding action or proceeding, is a pre-requisite for the taking of administrative, civil, or criminal actions against judges concerned. Administrative complaint against respondent judge was **DISMISSED** for lack of merit. (OCA IPI No. 05-2187-RTJ, February 15, 2006)

Same; same; conduct unbecoming

The OCA noted that respondent judge had since been dismissed from the service by this Court. The Court therein found respondent judge guilty of gross misconduct in office, gross ignorance of the law, and incompetence, relative to his actuations and rulings in several cases before his sala. Accordingly, respondent judge was dismissed from the service, with forfeiture of all retirement benefits and privileges, and with prejudice to reinstatement in any branch of government service. This fact alone does not render the present complaint mooted, since respondent judge could still be ordered by way of penalty to pay a fine had he been presently found guilty.

Still, the Court finds no reason to counteract the recommendation of the OCA. A.M. No. 03-10-01-SC was enacted by this Court to protect against proliferation of unfounded or malicious administrative or criminal cases against members of the judiciary for purposes of harassment. x x x As to whether it has been shown *prima facie* that the complaint was intended to harass respondent, we defer to the determination of OCA, the primary evaluator of facts in this case, that such intent was sufficiently shown. Indeed, the length of time between the acquittal of the accused and the filing of the present complaint and the fact that it was filed shortly before respondent judge was to have retired, do not bear well on the presumptive intentions of the complainants in filing the present case. The administrative case against respondent was **DISMISSED** for lack of merit. (A.M. OCA IPI No. 04-2066- RTJ, February 20, 2006)

Same; same; rendering unjust decision

Given the number of decisions/orders of the complainant-judge that have been assailed by way of appeal or certiorari and his patent error in imposing penalties for violation of BP 22 way beyond the maximum amount fixed by law, the respondent judge may not be faulted, much less administratively sanctioned, for his somewhat critical language in his decision. We find no reason to reject his professions of faith and lack of malice in criticizing the complainant judge for his erroneous decisions/rulings which could have been avoided by a cursory reading and application of applicable jurisprudence and the law. As will be shown herein later, the complainant also grievously erred in holding that the crime of slight physical injuries charged in a criminal case had already prescribed when the information was filed, and dismissing the case on the ground of prescription. The Court resolved to **DISMISS** this case for lack of merit. (A.M. No. RTJ -04-1883, February 6, 2006)

The approval of the cash bail bond and the consequent issuance of release order for the temporary liberty of the accused was done by respondent Judge in his official capacity as a Presiding Judge and in good faith.

It is our opinion that the situation then prevailing should have put the respondent Judge at inquiry whether the office of the clerk of court was still open as it was already beyond the normal working hours when the staff sought the approval of the cash bail bond posted. Thus, while not warranting the imposition of any disciplinary sanction, the situation clearly demonstrates the need for greater care in respondent's future actions. The case against respondent judge was **DISMISSED** for lack of merit but he was **WARNED** to be more careful in his actions to avoid similar incidents in the future. (A.M. No. RTJ-05-1907, February 8, 2006)

Same; same; and abuse of discretion, serious misconduct

The resolution of an issue rests on the sound discretion of a judge, and a comment or opposition to a motion does not bind the judge to resolve the issue, one way or the other. Judges are allowed reasonable latitude for the operation of their own individual view of

the case, their appreciation of the facts and the applicable law on the matter. If any error was committed, it was an error of judgment and a judge may not be administratively charged with mere error of judgment, in the absence of a showing of any bad faith, malice or corrupt practice. In this case, complainant failed to prove any act constituting bad faith, malice or corrupt practice on the part of respondent judge. The complaint against respondent judge was **DISMISSED** for lack of merit. (A.M. OCA IPI No. 04-2009-RTJ, February 20, 2006)

Judges: grave abuse of discretion

The Court **NOTES** the Report of the Court Administrator on the complaint charging respondent with grave abuse of discretion relative to criminal cases, finding that the order cannot be said to have been issued without jurisdiction as it appears that the case records were still with the appellate court and the motion for reconsideration, together with the memorandum of partial appeal, was filed within the reglementary period.

As recommended in the said report, the Court resolved to **DISMISS** the instant complaint for lack of merit. (A.M. OCA IPI No. 05-2275-RTJ, February 22, 2006)

Judges: gross inefficiency

Respondent would rely on his court's heavy caseload it being a heinous crimes court to justify the delay in the disposition of cases in his sala. The Court reiterates that judges, when burdened with heavy caseloads which prevent them from disposing their cases within the reglementary period, may ask for additional time. Here, respondent judge never asked for additional time. The presumption then is that he is not burdened with caseloads.

The Court has consistently impressed upon judges the need to decide cases promptly and expeditiously, on the principle that justice delayed is justice denied. Delay in the disposition of cases erodes the faith and confidence of the people in the judiciary, lowers its standards and brings it into disrepute. Hence, judges are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanction on them. Respondent was found to be administratively liable for **GROSS INEFFICIENCY** for delay in the disposition of cases and was **FINED** in the amount of Php 20,000 which amount was deducted from his retirement benefits. (A.M. No. 05-4-213-RTC, March 6, 2006)

Judges: sexual harassment

The composition of a particular CODI, to all intents and purposes, partly grants rank and file employees of courts the competence to recommend administrative sanctions over Judges of regular and special courts and Justices of the Court of Appeals, the Sandiganbayan and the Court of Tax Appeals thereby potentially diminishing the authority of this Court over the position, the person and the courts over which they preside. Appropriately, this Court deems it prudent to exclude said Judges and Justices from the ambit of the jurisdiction of CODIs as provided under Section 8 of A.M. No. 03-03-13-SC.

Moreover, upon their assumption to office, Judges of the regular and special courts and Justices of the Court of Appeals, the Sandiganbayan and the Court of Tax Appeals cease to be ordinary citizens. They become the visible representation of the law, and more importantly, of justice. The public look up to them as the epitome of integrity and justice. For this reason, as this Court has stated in the case of *Aquino v. Acosta*, "[a]dministrative complaints against members of the Judiciary are viewed by this Court with utmost care, for proceedings of this nature affect not only the reputation of the respondents concerned, but the integrity of the entire judiciary as well." Thus, ever mindful of such propensity, investigations of sexual harassment complaints involving Judges of regular and special courts and Justices of the Court of Appeals, the Sandiganbayan and the Court of Tax Appeals must be kept in strictest confidentiality – quite relatively unrealistic in proceedings *vis-a-vis* referral of a sexual harassment complaint to a group or panel as laid down by the subject rule.

In fine, the referral of the complaint of the court stenographer's sexual harassment complaint against respondent judge to the CODI of the RTC for *investigation, report and recommendation*, contravenes Section 3 of Rule 140 of the Rules of Court and limits, nay, weakens this Court's constitutionally mandated disciplining authority over Judges of regular and special courts and Justices of the Court of Appeals, the Sandiganbayan and the Court of Tax Appeals, besides exposing the courts to ridicule and derision. Respondent was immediately **SUSPENDED** until further notice from this Court. He was likewise **DIRECTED** to comment on the complaints of his court stenographer and clerk within ten days. The complaint of the court stenographer, however should be docketed as a regular administrative matter to be consolidated with that of the clerk's for proper disposition. (A.M. No. 05-12-757-RTC, March 7, 2006)

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