



Supreme Court of the Philippines  
Philippine Judicial Academy



*PHILJA Fax/Electronic Alerts*

Issue 07-04  
April 2007

**Justice: Gross ignorance of the law and manifest undue interest**

The Constitution mandates lower collegiate courts to decide or resolve cases or matters within twelve months from date of submission. Section 3, Rule 52 of the Revised Rules of Court requires motions for reconsideration to be resolved within ninety days. Section 5, Canon 6 of the New Code of Judicial Conduct provides that “(J)udges shall perform all judicial duties, including the delivery of reserved decisions, efficiency, fairly and with reasonable promptness.”

Indeed, the essence of the judicial function, as expressed in Section 1, Rule 124 of the Revised Rules of Court is that “*justice shall be impartially administered without unnecessary delay.*”

In A.M. No. 06-6-08, for having incurred undue delay in the disposal of pending motions for reconsideration in several cases, as recommended by the investigating Justice, herein respondent was **SUSPENDED** from office without pay, allowances and other monetary benefits for a period of **THREE MONTHS**.

In A.M. No. 06-44-CA-J, for gross ignorance of the law and manifest undue interest, he was **DISMISSED FROM THE SERVICE** with forfeiture of retirement benefits, except leave credits. (**A.M. No. 06-6-8-CA, A.M. No. 06-44-CA-J, March 20, 2007**)

**Judges: Grave Misconduct, Knowingly rendering an unjust interlocutory order, manifest impartiality, evident bad faith and gross inexcusable negligence**

In this case, herein respondent judge was found guilty of grave misconduct and punished with the extreme penalty of dismissal from service with forfeiture of all benefits, excluding accrued leave credits, with prejudice to re-employment in any branch or agency of the government, including government-owned or controlled corporations. On motion for reconsideration, the offense of herein judge was not downgraded. The Court only reconsidered his dismissal and reinstated him in government service. As penalty, herein respondent was considered suspended without pay for the entire time from the date of the dismissal up to his re-assumption of office.

Hence, he is not entitled to payment of back salaries during the time of his suspension, because the dispositive portion of the Resolution dated August 23, 2005 clearly states that “he is considered **SUSPENDED** without pay for the entire time from the date of the dismissal up to his re-assumption of office.”

The request of respondent judge for payment of back salaries and other withheld benefits during his suspension was **DENIED**. (**A.M. No. RTJ-03-1779, March 27, 2007**)

**Judges: Grave Abuse of Authority, Grave Misconduct, (Harassment and Oppression), and Violation of the Code of Judicial Conduct**

The issue of whether a judge should voluntarily inhibit himself is addressed to his sound discretion pursuant to paragraph 2 of Section 1, Rule 137, Rules of Court, which provides that a judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for a just or valid reason other than those mentioned in the first paragraph.

True, a judge should possess proficiency in law so that he can competently construe and enforce the law. However, it is more important that he should act and behave in such a manner that the parties before him have confidence in his impartiality. Indeed, even conduct that gives rise to the mere appearance of partiality is proscribed.

Respondent's averment that prior knowledge of the commission of a crime is not a mandatory ground for the first level court judge to recuse himself from conducting preliminary investigation, holds no water. As a judge, respondent must keep himself abreast with the law. He should have known that it is well entrenched in the Code of Judicial Conduct, prevailing at that time, that personal knowledge of disputed evidentiary facts concerning the proceeding disqualifies him from taking part in such proceeding as the same would necessarily spawn perception that he is biased and impartial. It is of no moment that the finding of probable cause was sustained by the provincial prosecutor. What is of paramount importance is the perceived bias and impartiality by the complainant against respondent in his conduct of the preliminary investigation due to respondent's prior knowledge of the looting at the PLDT Tower, respondent being instrumental in the apprehension of the robbers.

Although respondent should have inhibited himself from conducting the preliminary investigation, it did not render as void the act of respondent in issuing a warrant of arrest. He acted within the bounds of the then existing Section 6(b), Rule 112 of the Rules of Court which provides, *inter alia*, that without waiting for the conclusion of the investigation, the judge may issue a warrant of arrest if he finds after an examination in writing and under oath of the complainant and his witnesses in the form of searching questions and answers, that a probable cause exists and that there is a necessity of placing the respondent under immediate custody in order not to frustrate the ends of justice.

The Court found herein respondent guilty of violation of Rule 3.12(a), Canon 3 of the Code of judicial Conduct and was **REPRIMANDED** with warning that a repetition of the same or similar act in the future shall be dealt with more severely. **(A.M. No. MTJ-06-1636, March 12, 2007)**

**Judges: Grave Misconduct, Grave Abuse of Authority, usurpation of judicial authority, dishonesty and gross ignorance of the law**

The Court noted the Report of the Office of the Court Administrator on the complaint against respondent judge, finding that:

- “(1) the allegation of the complainant that respondent has no authority to resolve the pending incident in the said case is misleading and has no basis because the case was referred to his court for resolution of the pending matter under the pairing system upon manifestation of the counsel for the defendant therein;
- (2) respondent judge cannot be held guilty of grave misconduct and grave abuse of authority when he resolved the pending incident and issued the Order in the case since the assigned judge is still under training and the hearings of all cases in the Regional Trial Court, were ordered reset to March 2006 when the judge was expected to conduct hearing and the latter took his oath of office only on 25 November 2005;
- (3) neither can respondent judge be held guilty of gross ignorance of the law when he ordered the municipal officials to pay or cause the payment of the salaries and benefits defendant in the said civil case because complainant filed a motion for reconsideration of the subject order which is pending resolution before the regular judge of Regional Trial Court; and
- (4) as regards the charge for dishonesty and usurpation of judicial authority in rendering the decision, complainant, not being a party to the said case, has no personal knowledge of the facts and circumstances relative thereto and complainant failed to support his allegations with the affidavits of his witnesses.

The Court resolved to:

- (1) **DISMISS:**
  - (a) the instant complaint against respondent judge for grave misconduct, grave abuse of authority and gross ignorance of the law for being premature; and
  - (b) the case for dishonesty and usurpation of judicial authority for lack of merit; and
- (2) **DIRECT** the acting judge to **EXPLAIN** his failure to file his comment as required in the letter of the Office of the Court Administrator. **(A.M.OCA IPI No. 06-2483-RTJ, February 28, 2007)**

**judges: Serious Neglect of Duty, Falsification of Public documents, Incompetence, Knowingly Rendering an Unjust Judgment and Infidelity to the Canons of Legal Ethics and Moral Standards**

The Constitution provides that all lower courts must decide or resolve cases or matters brought before them three months from the time a case or matter is submitted for decision, in view of the right of all persons to the speedy disposition of their cases. Rule 3.05, Canon 3 of the Code of Judicial Conduct also directs judges to dispose of the courts business promptly and decide cases within the required periods. For it cannot gainsaid that justice delayed is justice denied. 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. If public confidence in the judiciary is to be preserved, judges must perform their official duties with utmost diligence. There is no excuse for delay nor negligence in the performance of judicial functions.

While we commiserate with the misfortunes that befell respondent and her family, we cannot close our eyes to the fact that respondent miserably failed to abide by the high standards set forth by the Code of Judicial conduct. It cannot be gainsaid that inability to decide a case within the required period is not excusable and constitutes gross inefficiency. The Court has constantly reminded judges to decide cases promptly. Delay not only results in undermining the people's faith in the judiciary from whom the prompt hearing of their supplications is anticipated and expected; it also reinforces in the mind of the litigants the impression that the wheels of justice grind ever slowly, and worse, it invites suspicion of ulterior motives on the part of the judge. Failure to decide cases on time constitutes inefficiency that merits administrative sanction.

Moreover, the Code of Judicial Conduct decrees that a judge should administer impartially and **without delay**. She should be imbued with a high a sense of duty and responsibility in the discharge of her 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. Prompt disposition of cases is attained basically through the efficiency and dedication to duty of judges. If they do not possess these traits, delay in the disposition of cases is inevitable to the prejudice of litigants. Accordingly, judges should be imbued with a high sense of duty and responsibility in the discharge of their obligation to promptly administer justice.

For administrative liability to attach, respondent must be shown to have been moved by bad faith, dishonesty, hatred or some other motive. There exists no competent evidence that respondent in disposing of the criminal cases has been moved by bad faith, dishonesty, hatred, or some other motive. Moreover, a judge enjoys the presumption of regularity in the performance of her function no less than any other public officer. The presumption of regularity of official acts may be rebutted by affirmative evidence of irregularity or failure to perform a duty. The presumption, however, prevails until it is overcome by no less than clear and convincing evidence to the contrary. Thus, unless the presumption is rebutted, it becomes conclusive.

Herein respondent was found guilty of undue delay in rendering a decision within the reglementary period and was **FINED** in the amount of **Php 10,000.00** with **STERN WARNING** that a repetition of the same or similar acts in the future be dealt with more severely. **(A.M. No. RTJ-06-1979, March 12, 2007)**

**Chancellor, Philippine Judicial Academy**  
Ameurfina A. Melencio Herrera

**Head, Research and Linkages Office**  
Prof. Sedfrey M. Candelaria

**Editors**

Dean Eulogia M. Cueva

Atty. Orlando B. Cariño

**Editorial Assistant**

Atty. Amelia T. Guillamun

**Staff**

Nennette G. Zaldivar  
Rodrigo G. Javier

The *PHILJA Fax/Electronic Alerts* is issued monthly by the Research and Linkages Office of the Philippine Judicial Academy with offices at the 3<sup>rd</sup> Floor of the Supreme Court Centennial Building, Taft Avenue, Manila. Tel. No. (02)552-9518; Telefax; (02)552-9526 E-mail address: [research\\_philja@yahoo.com](mailto:research_philja@yahoo.com). For e-library: [www.supremecourt.gov.ph](http://www.supremecourt.gov.ph) link to e-library.

If you have any Fax No. or E-mail address, please let us know so we could send direct to you the "Alerts."