



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: The judge who hears the case should be the one to decide it

As far as practicable, the judge who hears the case should be the one to decide it, as he had the opportunity to observe first-hand the deposition of witnesses and the presentation of evidence. The practice of allowing one judge to conduct trial and another to render decision in the same case based only on records should be avoided.

The Supreme Court did not approve the recommendation of the Office of the Court Administrator that the Criminal Cases pending in the RTC of Batangas City where the accused is detained in the National Bilibid Prisons, will be heard within the premises of the Bureau of Corrections, Muntinlupa City, by a judge of said City, after which, the judge in Batangas City will prepare the decision and the records returned to the RTC Muntinlupa City for promulgation of decision.

It is to the best interest of justice that the judge who hears the trial be the one to decide the case. The Judge in Batangas City was ordered to go to Muntinlupa City and conducts the rest of the trial within the premises of the Bureau of Corrections. **(A.M. No. 07-11-592-RTC, March 24, 2008)**

Clerk of Court: Gross dishonesty and malversation of public funds

Supreme Court Circulars No. 13-92 and 5-93 provide the guidelines for the proper administration of court funds. SC Circular No. 13-92 commands that all fiduciary collections shall be deposited immediately by the clerk of court concerned, upon receipt thereof, with an authorized depository bank. In SC Circular 5-93, the Land Bank was designated as the authorized government depository.

Court personnel tasked with collections of court funds, such as clerk of court and cash clerks, should deposit immediately with authorized government depositories the various funds they have collected because they are not authorized to keep funds in their custody. Delayed remittance of cash collections constitutes gross neglect of duty. Failure of a public officer to remit funds upon demand by an authorized officer constitutes prima facie evidence that the public officer has put such missing funds or property to personal use.

Respondent's failure to comply with the pertinent Court Circulars and other relevant rules designed to promote full accountability for public funds constitutes gross neglect of duty and grave misconduct.

Moreover, the record shows that respondent did not issue an official receipt for Criminal Case No. 9308-9312 amounting to P8,000, a clear violation of Sections 61 and 113, Article VI of the Government Auditing and Accounting Manual. In addition, respondent failed to detail in her monthly report of collections all true and correct cash transactions in violation of Circular 32-93. She also falsely reported that certain withdrawals have been duly acknowledged by their respective claimants by means of signatures which respondent herself had forged.

Respondent was found guilty of gross dishonesty and malversation of public funds for which she was dismissed from the service. Her retirement benefits were also declared forfeited. **(A.M. No. 08-1-30-MCTC, April 10, 2008)**

Clerk of Court: Simple neglect of duty

As ranking officers of our judicial system, who perform delicate administrative functions vital to the prompt and proper administration of justice, clerks of court should perform their duties with

diligence and competence in order to uphold the good name and integrity of the judiciary and to serve as role models for their subordinates.

The Court agreed with the OCA that respondent is guilty of simple neglect of duty for her failure to safeguard case exhibits, in this case, a .38 caliber Armscor gun which was object evidence in a pending criminal case. She was found guilty of simple neglect of duty for which she was suspended for three (3) months without pay and sternly warned that her commission of another or similar offense shall be dealt with more severely. **(A.M. No. 04-8-198-MeTC, January 31, 2008)**

Sheriff: Dereliction of duty, grave misconduct, and dishonesty

A sheriff may collect fees for his expenses from the party requesting the execution of a writ but only in accordance with the procedure laid down in Section 9 of Rule 141.

Respondent's insistence that complainant voluntarily gave the money to him did not make his misconduct any less reprehensible. A sheriff is not allowed to receive gratuities or voluntary payments from parties they are ordered to assist in the course of their duties.

Moreover, respondent's refusal to turn over the proceeds of the auction sale and the keys of the motorcycles despite repeated demands showed his lack of integrity, uprightness and honesty in the discharge of his duties.

He was found guilty of dereliction of duty, grave misconduct and dishonesty. Accordingly, he was dismissed from the service with forfeiture of all his benefits except accrued leave credits, and disqualified from re-employment in any government agency, including government-owned or controlled corporations. He was also ordered to return the P10,000.00 unlawfully exacted from the complainant and to turn over the proceeds of the auction sale and the two keys of the motorcycles to complainant. **(A.M. No. P-07-2398, February 13, 2008)**

Sheriff: Simple neglect of duty

It is settled that when a writ is placed in the hands of a sheriff, it is his duty in the absence of any instructions to the contrary, to proceed with reasonable celerity and promptness to execute it according to its mandate. Sheriffs have no discretion whether or not to execute a writ.

For failing to satisfactorily implement the writ, respondent displayed conduct short of the stringent standards required of court employees. The filing of a motion for reconsideration did not justify his refusal to perform what was otherwise his ministerial duty.

Respondent was found guilty of neglect of duty and was suspended for six (6) months without pay and sternly warned that a repetition of the same or similar acts in the future shall be dealt with more severely. **(A.M. No. P-07-2336, January 24, 2008)**

Court Interpreter: misconduct

The Supreme Court has consistently held that the conduct required of court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and circumscribed with the heavy burden of responsibility as to let them free from any suspicion that may taint the judiciary. All court personnel are expected to exhibit the highest sense of honesty and integrity, not only in the performance of their official duties but also in their personal and private dealings with other people to preserve the Court's good name and standing.

Respondent's issuance of a bouncing check constitutes misconduct, a ground for disciplinary action.

As recommended by the Court Administrator, respondent was found guilty of misconduct for which she was suspended from the service for one (1) month and one (1) day without pay. **(A.M. No. P-08-2424, February 6, 2008)**

Clerk III: Gross misconduct

What brings our judicial system into disrepute are often the actuations of a few erring court personnel peddling influence to party litigants creating the impression that decisions can be bought and sold, ultimately resulting in the disillusionment of the public.

Respondent's act of asking P20,000.00 from the complainant ostensibly for the probation officer and for the judge constitutes grave misconduct.

That he tendered his resignation after the complaint against him was filed obviously to evade any sanction which may be imposed upon him for his wrongdoing, does not spare him of liability.

The Court found him guilty of gross misconduct. Since he had resigned from the service, he was fined Forty Thousand Pesos (P40,000.00), and forfeiture of all retirement benefits he was entitled to, except accrued leave credits; and his re-employment in any branch or instrumentality of the government, including government owned or controlled corporations was proscribed. **(A.M. No. P-04-1875, February 6, 2008)**

Utility Worker: Grave misconduct

A utility worker is neither authorized to draft a pleading or motion nor to receive money for bail. When he does either, it is not mere overzealousness but an ultra vires act, a usurpation of function that does not pertain to his position.

Respondent's reason that she merely wanted to help without any consideration is unacceptable. Her contention that it was her obligation as an employee of the court to help litigants who did not know what to do is bereft of merit. While the law does not prohibit charity and benevolence among court personnel, the same are circumscribed if only to preserve the image of the judiciary as an entity beyond suspicion.

Respondent was found guilty of grave misconduct for which she was suspended for one (1) year without benefits including leave credits with a stern warning that the commission of the same or similar acts warrant dismissal from the service. **(A.M. No. P-07-2346, February 18, 2008)**

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