



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Gross ignorance of the law

Motions litigious in nature must be heard.

In *Balagtas vs. Sarmiento*, A.M. No. MTJ-01-1377, June 17, 2004, 432 SCRA 343, 349-350, the Supreme Court ruled that a motion without notice of hearing is pro forma, a mere scrap of paper. It presents no question which the court could decide. The court has no reason to consider it and the clerk has no right to receive it. The rationale behind the rule is plain: unless the movant sets time and place of hearing the court will be unable to determine whether the adverse party agrees or objects to the motion, and if he objects, to hear him on his objection. The objective of the rule is to avoid a capricious change of mind and in order to provide due process to both parties and to ensure impartiality in the trial.

Respondent judge violated aforesaid rule and the basic and fundamental constitutional principle of due process when he granted the motions filed by the accused to dismiss and/or for judicial determination of probable cause without giving the prosecution its day in court. Worse, respondent disregarded the period he gave for the prosecution to file comment thereon.

For gross ignorance of the law, respondent judge was suspended from office for six (6) months without salary and other benefits. (A.M. No. RTJ-08-2142, March 20, 2009)

Judges: Gross ignorance of the law

In *Crespo vs. Mogul*, 235 Phil 465 (1987), the Supreme Court laid down the rule that once a complaint or information is filed before the trial court, any disposition of the case – its dismissal or the conviction or acquittal of the accused, rests on the sound discretion of said court. Although the fiscal retains the direction and control of the prosecution of criminal cases even while the cases is already before the trial court, the fiscal can not impose his opinion on the trial court. The trial court is the best and the sole judge of what to do with the case before it. The determination of the case is within its exclusive jurisdiction and competence.

Respondent judge failed to comply with his mandate and to discharge his duty to judiciously and independently rule upon the motion before his court to admit the amended information excluding the names of some accused from the original information. This is evident from his assailed resolution when he reasoned out that the motion is granted “considering that it is the Chief State Prosecutor who has direct control and supervision over prosecution of criminal cases.” This is contrary to the *Crespo vs. Mogul* ruling that such a motion to dismiss a case against an accused should be addressed for the consideration of the court. Respondent judge should know that he had the discretion to grant or deny the motion based on his personal and independent evaluation or assessment of the evidence before him. He merely based his resolution on the mere say so of the prosecution.

For gross ignorance of the law, respondent judge was fined P20,000 to be deducted from his retirement benefits. (A.M. No. RTJ-07-2058, April 7, 2009)

Judges: Gross ignorance of the law or procedure

Under Section 2, Rule 17 of the 1997 Revised Rules of Civil Procedure, the dismissal of a complaint upon the motion of plaintiff is without prejudice unless otherwise specified in the order, hence, the only instance when dismissal of an action is with prejudice is when the order itself so states.

Respondent judge was found grossly ignorant when he took cognizance of the second petition for declaration of nullity of marriage on the ground of psychological incapacity filed by petitioners therein considering that he had already dismissed with prejudice the first petition involving the same parties, issues, and causes of action.

Respondent judge also disregarded basic law and procedure when he decided the case even before the submission of the City Prosecutor relative to the investigation to determine collusion between the parties as required under Section 9 of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Violable Marriage.

Considering that respondent judge has been sanctioned in previous cases, the Supreme Court dismissed him from the service with forfeiture of all retirement benefits, excluding accrued leave benefits, and disqualification from reappointment to any public office including GOCC's. (A.M. No. 06-07-415-RTC, March 6, 2009)

Judges: Gross misconduct and insubordination

Resolutions of the Supreme Court requiring Comment on an administrative complaint are not mere requests from the Court. They are not to be complied with partially, inadequately or selectively. Respondents in administrative complaints should comment on all accusations or allegations against them because it is their duty to preserve the integrity of the judiciary. Every officer or employee in the judiciary is duty bound to obey the orders and processes of the Court without the least delay and to exercise at all times a high degree of professionalism.

The records reveal that respondent judge failed to file his comments on the administrative complaint against him despite receipt of the notices to do so.

For gross misconduct and insubordination, respondent judge was fined P20,000 chargeable against his retirement benefits. (A.M. No. RTJ-09-2163, February 18, 2009)

Judges: Vulgar and unbecoming conduct as a judge

In Juan Dela Cruz (Concerned citizen of Legaspi City) vs. Judge Ruben Caretas, the Supreme Court admonished that "equanimity and judiciousness should be the constant marks of a dispenser of justice. A judge should always keep his passion guarded. He should never allow it to run loose and overcome his reason x x x" and in Rowena Guanzon, et al; vs Judge Constancio C. Rufon, the Court declared that "although respondent judge may attribute his intemperate language to human frailty, his noble position in the bench nevertheless demands from him courteous speech in and out of court. Judges are demanded to be always temperate, patient and courteous both in conduct and language."

Respondent judge should have directed complainant to wind up his arguments under pain of direct contempt if the warning was disregarded. Thereafter, he could have declared the complainant in direct contempt if he persisted in his arguments. Instead, respondent judge brought out a gun for everyone in the courtroom to see western style, which act even for purposes of maintaining order and decorum in the court is inexcusable in the absence of overt acts of physical aggression by a party before the court.

For vulgar and unbecoming conduct as a judge, respondent judge was fined P10,000.00 with a warning that a repetition of the same or similar acts will be dealt with more severely. (A.M. No. RTJ-06-2026, March 2, 2009)

Chancellor, Philippine Judicial Academy

Ameurfina A. Melencio Herrera

Head, Research, Publication and Linkages Office (RPLO)

Prof. Sedfrey M. Candelaria

Editors

Dean Eulogia M. Cueva

Atty. Orlando B. Cariño

Staff

Nennette G. Zaldivar

Rodrigo G. Javier

The *PHILJA Fax/Electronic Alerts* is issued monthly by the RPLO of the Philippine Judicial Academy with offices at the 3rd Floor of the Supreme Court Centennial Building, Taft Avenue, Manila. Tel. No. (02)552-9518; Telefax; (02)552-9621
E-mail address: research_philja@yahoo.com. For link to e-library: www.supremecourt.gov.ph.

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