



# Supreme Court of the Philippines Philippine Judicial Academy



## ***PHILJA Fax/Electronic Alerts***

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### **Judges: Gross inefficiency**

Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges to dispose of their business promptly and to decide cases within the required period. Thus, all cases or matters must be decided or resolved by all lower courts within a period of 3 months from submission.

Also, Administrative Circular No. 3-99 dated January 15, 1999 requires all judges to scrupulously observe the periods prescribed in the Constitution for deciding cases, because failure to comply therewith violates the constitutional rights of the parties to speedy disposition of their cases.

Likewise, Administrative Circular No. 28 dated July 3, 1989 expressly provides that lack of transcript of stenographic notes shall not be a valid reason to interrupt or suspend the period for deciding the case.

Respondent judge miserably failed to proffer any valid excuse for his failure to decide 43 cases.

For gross inefficiency, respondent judge was fined P50,000.00 **(A.M. No. RTJ-10-2226, March 22, 2010)**

### **Judges: Gross misconduct**

A judge is not a warehouseman for personal properties of litigants in his court.

Canon 2 of the New Code of Judicial Conduct provides that integrity is essential not only to the proper discharge of the judicial office but also to the personal demeanor of judges. Judges shall ensure that not only is their conduct above reproach, but that is perceived to be so in the view of a reasonable observer.

Respondent judge should not have accepted the pieces of antique from one of the parties for safekeeping. It was improper for him to do so. He returned the said items only after four years when complainant filed a complaint against him.

For gross misconduct, respondent was suspended for six months without salary and other benefits. **(A.M. No. MTJ-07-1663, March 26, 2010)**

### **Clerk of Court: Simple misconduct**

A.M. No. 01-9-09-SC, provides that the Hall of Justice shall be for the exclusive use of Judges, Prosecutors, Public Attorneys, Probation and Parole Officers and in proper cases, the Registries of Deeds, including their support personnel. It shall be

used only for court and office purposes and shall not be used for residential, i.e. dwelling or sleeping, or commercial purposes. Cooking, except for boiling water for coffee or similar beverages, shall not be allowed.

Respondent Clerk of Court violated the said rules when she allowed the representative of Sara Lee to hold a raffle draw in the Hall of Justice. Her justification that there was no danger to the building and the records since the raffle draw was merely held at the ground floor lobby and those who attended were decent people, is untenable.

For simple misconduct, respondent was suspended for one month and one day and sternly warned. **(A.M. No. P-08-2559, March 19, 2010)**

### **Clerk of Court: Simple neglect of duty**

Section B (4) of SC Circular 50-95 mandates that all collections from bail bonds, rental deposits, and other fiduciary funds shall be deposited within 24 hours by the clerk of court concerned upon receipt thereof with the Land Bank of the Philippines.

Respondent Clerk of Court kept in her custody, instead of depositing with the Land Bank, her fiduciary collections. Her act deprived the court of the interest that should have been earned.

For simple neglect of duty, respondent clerk of court was suspended from office for 2 months and sternly warned. **(A.M. No. P-07-2355, March 19, 2010)**

### **Clerk of Court: Non-disclosure of material fact in the Personal Data Sheet (PDS) re: item 37 (a) whether or not she has been formally charged**

A person shall be considered formally charged:

- (1) In administrative proceedings – (a) upon the filing of a complaint at the instance of the disciplining authority; or (b) upon the finding of the existence of a *prima facie* case by the disciplining authority, in case of a complaint filed by a private person.
- (2) In criminal proceedings – (a) upon the finding of the existence of probable cause by the investigating prosecutor and the consequent filing of an information in court with the required prior written authority or approval of the provincial or city prosecutor or chief state prosecutor or the Ombudsman or his deputy; (b) upon the finding of the existence of probable cause by the public prosecutor or by the judge in cases not requiring a preliminary investigation nor covered by the Rule on Summary Procedure; or (c) upon finding of cause or ground to hold the accused for trial pursuant to Section 13 of the Revised Rule on Summary Procedure.

Contrary to the findings of the investigating judge, the attachments to the complaint against respondent reveal that she was not formally charged yet administratively or criminally by the Ombudsman.

In the Orders in OMB-L-A-06-0072 and OMB L-C-0110-A the Deputy Ombudsman directed respondent to submit her counter-affidavits and those of her witnesses. The Orders further state that “thereafter the case will be considered submitted for final disposition”

To consider her as having been formally charged would subject respondent clerk of court to extreme hardships considering that a government official or employee formally charged is deprived of some rights and privileges.

In view of the foregoing, the case against respondent clerk of court was dismissed for lack of merit **(A.M. No. P-08-2458, March 22, 2010)**

**Clerk of Court: Dishonesty, grave misconduct, gross neglect of duty**

Clerks of Court are custodians of court funds and revenues and are primarily accountable for all funds that are collected for the court, whether personally received by him or by a duly appointed cashier who is under his supervision and control.

Respondent incurred cash shortages when a financial audit was conducted in their court. He failed to fully account for his shortages despite the ample time he was given to do so.

For dishonesty, grave misconduct and gross neglect of duty, respondent clerk of court was dismissed from the service. **(A.M. No. P-04-1819, March 22, 2010)**

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