



# Supreme Court of the Philippines Philippine Judicial Academy



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

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### **Judges: Undue delay in rendering decision or order**

Undue delay in the resolution of cases erode the people's faith in the judicial system. Delay not only reinforces the belief of the people that the wheels of justice grind ever so slowly, but also invites suspicion of ulterior motives on the part of the judge.

Section 10 of the Rule on Summary Procedure requires the court to render judgment within thirty (30) days after receipt of the last affidavit and position papers or the expiration of the period for filing the same.

Respondent judge rendered his dismissal order seven (7) months beyond the prescribed period under said Section 10 of the Rule on Summary Procedure.

For undue delay in rendering a decision or order, respondent judge was fined P10,000 and sternly warned. **(A.M. MTJ-11-1782, March 23, 2011)**

### **Judges: Remiss in the performance of duties**

The proper and efficient management of the court is the responsibility of the judge. He is directly responsible for the proper discharge by his staff of their official functions, and he cannot take refuge behind their inefficiency.

The failure of respondent judge's staff in the delivery/ mailing of court processes which caused the undue delay in the resolution of the motion of complainant to recall witness cannot excuse respondent because he is the master of his own domain and as such must take responsibility for the mistakes of his subordinates.

For being remiss in the performance of his duties, respondent was admonished and sternly warned that a repetition of the same or similar offenses will be dealt with more severely. **(A.M. No. RTJ-10-2241, March 9, 2011)**

### **Records Officer I: Violation of the Code of Conduct for Court Personnel**

Section I, Canon IV of the Code of Conduct for Court Personnel mandates that court personnel shall commit themselves exclusively to the business and responsibilities of their office during office hours.

Respondent records officer instead of attending to her duties and responsibilities as such interfered with the execution of a valid certificate of sheriff's sale on behalf of a friend without regard to the impropriety of her acts. Her actuations led complainant to believe that she was using her position to advance the interest of her friend.

For violation of the Code of Conduct for Court Personnel, respondent was fined P5,000 and sternly warned. **(A.M. No. P-09-2677, March 9, 2011)**

### **Legal Researcher: Insubordination**

Section 7 (d), Canon IV of the Code of Conduct for Court Personnel expressly provides that court personnel shall not be required to perform any work outside the scope of their job description.

Respondent legal researcher's job description is that of legal researcher hence complainant executive judge cannot designate her to act as interpreter indefinitely. The said designation will require respondent to perform work outside the scope of her job description and which involves duties not identical with or subsumed under her current functions.

True, an executive judge is authorized under Section 6, Chapter VII of A.M. No. 03-8-02-SC Re: Guidelines on the Defining their Powers, Prerogatives and Duties to reassign personnel within his area of administrative responsibility, but he can only do so if the job description of the vacant position is identical with that of the employee to be designated, but not indefinitely.

Requiring, therefore, respondent legal researcher to perform the work of a court interpreter is counter-productive and does not serve the ends of justice. Not only will respondent jeopardize her present position as legal researcher by constantly shifting from one job to another; her qualification as court interpreter will also be put in question. This arrangement does nothing but compromise court personnel's professional responsibilities and optimum efficiency in the performance of their respective roles in the dispensation of justice.

The case against respondent legal researcher was dismissed for lack of merit. **(A.M. No. P-06-2206, March 16, 2011)**

### **Sheriff: Grave Misconduct, dishonesty**

Sheriffs are not allowed to receive any voluntary payments from parties in the course of the performance of their duties. To do so would be inimical to the best interests of the service because even assuming that the payments were indeed given and received in good faith, this fact alone would not dispel the suspicion that such payments were made for less than noble purpose.

Respondent sheriff instead of complying with the requirements of Section 9, Rule 141 of the Rules of Court – preparation of an estimate of his expenses in executing the writ assigned to him for the approval of the court, demanded from complainant money allegedly to defray his expenses which act is a violation of the said rule. Also, his issuance of temporary receipts handwritten on scraps of paper violates Section 113 of Article III, Chapter V of the National Accounting and Auditing Manual.

For grave misconduct and dishonesty, respondent sheriff was suspended for six (6) months without pay. **(A.M. No. P-11-2914, March 16, 2011)**

### **Court Stenographer: Immorality**

In *Court Employees of the MCTC, Ramon Magsaysay, Zamboanga del Sur v. Sy*, A.M. No. P-93-808, November 2005, the Supreme Court ruled that court employees should maintain moral righteousness and uprightness in their professional and private conduct to preserve the dignity and integrity of the courts of justice.

Respondent stenographer was found by the investigating judge unfaithful to her husband who was then working abroad to support his wife and children. Her mere denial of the charges against her could not overcome the overwhelming evidence offered in evidence during the trial of her case.

For immorality, respondent stenographer was suspended for six (6) months without pay and sternly warned. **(A.M. No. P-09-2651, March 23, 2011)**

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