



# Supreme Court of the Philippines Philippine Judicial Academy



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

Issue 12-04  
April 2012

### **Judges: Gross misconduct and dishonesty; and Violation of Canons 1 and 7 and Rule 1.01 of the Code of Professional Responsibility**

The issuance of decisions by a judge annulling marriages without conducting trials and without complying with the statutory and jurisprudential requisites for voiding marriages does not only make a mockery of marriage and its life-changing consequences, but also grossly violates the basic norms of truth, justice and due process.

Respondent judge issued decisions on numerous annulment of marriage cases without conducting any judicial proceeding thereon. He made it appear in his decisions that the stringent requirements of the Rules of Court and jurisprudential requisites were complied with.

Moreover, verification of the records of the respondent's court reveals that there were no petitions filed for annulment of marriage.

This administrative case against respondent judge was also considered as a disciplinary proceeding against him as a member of the Bar, in accordance with *A.M. No. 02-9-02-SC entitled Re: Automatic conversion of Some Administrative Cases Against Justices of the Court of Appeals and the Sandiganbayan; Judges of Regular and Special Courts; and Court Officials who are Lawyers as Disciplinary Proceedings Against them both as such officials and as members of the Philippine Bar.*

His gross misconduct and dishonesty violated the following Canons of the Code of Professional Responsibility:

**CANON 1. - A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW AND FOR LEGAL PROCESSES.**

Rule 1.01 – A lawyer shall not engage in unlawful, dishonest, immoral or deceitful act.

**CANON 7. – A LAWYER SHALL AT ALL TIMES UPHOLD THE INTEGRITY AND DIGNITY OF THE LEGAL PROFESSION.**

For gross misconduct and dishonesty, respondent judge was dismissed from the service with forfeiture of all benefits due him with prejudice to re-employment in the Government including GOCC's.

He was also disbarred for violation of Canons 1 and 7 and Rule 1.01 of the Code of Professional Responsibility. **(A. M. No. RTJ-10-2232, April 10, 2012)**

### **Judges; Gross ignorance of the Rule on Summary Procedure**

In *Nedia v. Laviña*, *A.M. No. RTJ-05-1957, September 26, 2005*, the Supreme Court ruled that when a judge displays an utter lack of familiarity with the rules, he erodes the public's confidence in the competence of our courts. It is highly imperative that judges be conversant with the law and basic legal principles. Basic legal procedures must be at the palm of a judge's hand.

Section 7 of the Revised Rule on Summary Procedure provides as follows:

Section 7. *Preliminary conference, appearance of parties*, - **Not later than thirty (30) days after the last answer is filed, a preliminary conference shall be held.** The rules on pre-trial in ordinary cases shall be applicable to the preliminary conference unless inconsistent with the provisions of this Rule.

The failure of the plaintiff to appear in the preliminary conference shall be a cause for the dismissal of his complaint. The defendant who appears in the absence of the plaintiff shall be entitled to judgment on his counterclaim in accordance with Section 6 thereof. All cross-claims shall be dismissed.

If a sole defendant shall fail to appear, the plaintiff shall be entitled to judgment in accordance with Section 6 thereof. This Rule shall not apply where one of two or more defendants sued under a common cause of action who had pleaded a common defense shall appear at the preliminary conference. (Emphasis supplied.)

Respondent judge did not conduct any preliminary conference on the case of complainant which was for unlawful detainer in violation of the Rule on Summary Procedure. His inaction is contrary to the rationale behind the Rule on Summary Procedure, which was precisely adopted to promote a more expeditious and inexpensive determination of cases.

For gross ignorance of the Rule on Summary Procedure, respondent judge was fined P30,000.00 and sternly warned. **(A.M. No. MTJ-11-1781, April 25, 2012)**

#### **Judges: Gross misconduct and insubordination**

In *Guerrero v. Judge Deray*, the Court held that a judge who deliberately and continuously fails and refuses to comply with the resolution of the Supreme Court is guilty of gross misconduct and insubordination.

Respondent judge repeatedly ignored and failed to comply with the directives of the Court for him to submit copies of his orders, resolutions and decisions on cases subject of the judicial audit conducted by the Office of the court Administrator.

For gross misconduct and insubordination, respondent judge was dismissed from the service with forfeiture of all benefits and with prejudice to reemployment in the government including GOCC's **(A.M. No. MTJ-07-1667, April 10, 2012)**

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