



Supreme Court of the Philippines Philippine Judicial Academy



PHILJA Fax/Electronic Alerts

Issue 14-04
April 2014

C.A. Justices: Rendering an Unjust Judgment: Complainant ordered to show cause for filing a meritless accusation

The filing of meritless administrative complaints against justices and judges is not only repulsive, but also an outright disrespect of their authority. It degrades the judicial office and interferes with the due performance of their work.

Complainant's representatives have demonstrated, again in this case their penchant for harassment of the judges who did not do their bidding. To tolerate such actuations would be to reward them with undeserved impunity for an obviously wrong attitude towards the Court and its judicial officers.

For filing a case without merit against respondent justices, complainant's officers and representatives were ordered to show cause in writing within 10 days from notice why they should not be punished for indirect contempt of court for degrading the judicial office of respondent Associate Justices. **(OCA IPI-12-204-CA-J, March 11, 2014)**

Judges: Gross Ignorance of the Law

In rehabilitation proceedings, the parties must first be given an opportunity to prove or disprove the existence of an imminent danger of dissipation, loss, wastage or destruction of the debtor-company's assets and properties that are or may be prejudicial to the interest of minority stockholders, party-litigants or the general public. The rehabilitation court should hear both sides, allow them to present and conscientiously deliberate, based on their submission, on whether the appointment of a management receiver is justified. This is a very basic requirement in every adversarial proceeding that no judge or magistrate can disregard.

Respondent's act of promptly ordering the creation of a management committee without the benefit of a hearing and despite the demand for one was tantamount to professional incompetence and gross ignorance of the law.

For gross ignorance of the law, respondent judge was fined P21,000.00 **(A.M. No. RTC-09-2200, April 2, 2014)**

Judges: Conduct unbecoming of a judge; violation of Section 6, Canon 6 of the New Code of Judicial Conduct

Section 6, Canon 6 of the New Code of Judicial Conduct states that:

SECTION 6. Judges shall maintain order and decorum in all proceedings before the court and **be patient, dignified and courteous in relation to litigants, witnesses, lawyers and others with whom the judge deals in an official capacity.** Judges shall require similar conduct of legal representatives, court staff and others subject to their influence, direction or control.

As held in *Dela Cruz, 559 Phil. 5, 15 (2007)* a judge should be considerate, courteous, and civil to all persons who come to his court; he should always keep his passion guarded. He can never allow it to run loose and overcome his reason. Furthermore, a magistrate should not descend to the level of a sharp-tongued, ill-mannered petty tyrant by uttering harsh words, snide remarks and sarcastic comments.

Respondent failed to observe judicial temperament and to conduct herself irreproachably. Her unnecessary bickering with complainant's lawyer, her expressions of exasperation over trivial matters, her snide remarks as well as her condescending attitude are conduct that the Court cannot allow.

For conduct unbecoming of a judge, respondent was admonished. **(A.M. No. RTJ-09-2200, April 2, 2014)**

Philippine Judicial Academy

Chancellor

Adolfo S. Azcuna

Founding Chancellor Emeritus

Ameurфина 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: elibrary.judiciary.gov.ph.

If you have any Fax No. or E-mail address, please let us know so we could send the "Alerts" direct to you.