



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Grave Abuse of discretion and Authority, and of conduct unbecoming of a Judge

As the visible representative of the law and justice, judges, such as the respondent, are expected to conduct themselves in a manner that would enhance the respect and confidence of the people in the judicial system. The New Code of Judicial Conduct for the Philippine Judiciary mandates that judges must not only maintain their independence, integrity and impartiality; but they must also avoid any appearance of impropriety or partiality, which may erode the people's faith in the judiciary. Integrity and impartiality, as well as the appearance thereof, are deemed essential not just in the proper discharge of judicial office, but also to the personal demeanor of judges. This standard applies not only to the decision itself, but also to the process by which the decision is made. Section 1, Canon 2, specifically mandates judges to ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of reasonable observers. Clearly, it is of vital importance not only that independence, integrity and impartiality have been observed by judges and reflected in their decisions, but that these must also appear to have been so observed in the eyes of the people, so as to avoid any erosion of faith in the justice system. Thus, judges must be circumspect in their actions in order to avoid doubt and suspicion in the dispensation of justice. To further emphasize its importance, Section 2, Canon 2 states:

Sec. 2. The behavior and conduct of judges must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

Impartiality, is essential to the proper discharge of the judicial office. It applies not only to the decision itself but also to the process by which the decision is made. As such, judges must ensure that their "conduct, both in and out of the court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and of the judiciary." In the same vein, the Code of Judicial Conduct behooves all judges to avoid impropriety and the appearance of impropriety in all their activities, as such is essential to the performance of all the activities of a judge in order to maintain the trust and respect of the people in the judiciary.

Respondent was found GUILTY of gross insubordination and gross misconduct unbecoming a member of the judiciary and was accordingly DISMISSED from the service with forfeiture of all salaries, benefits and leave credits to which she may be entitled. (A.M. No. RTJ-06-1974, July 26, 2007)

Judges: Gross Ignorance of the Law, Manifest Partiality and Conduct to the Best Interest of the Judiciary

x x x (a) The Court **NOTES** the Memorandum of the Office of the Court Administrator Re: Complaint charging respondent Judge with "Gross Ignorance of the Law, Manifest Partiality and Conduct Prejudicial to the Best Interest of the Judiciary; and

(b) **REDOCKETS** the above administrative cases x x x

The Court further Resolved, upon recommendation of the Office of the Court Administrator, to **PREVENTIVELY SUSPEND** respondent judge, pending resolution of the above administrative cases. (A.M. OCA IPI No. 06-2498-RTJ, July 31, 2007)

Judges: Gross Ignorance of the Law

The Court Resolved to:

(a) **NOTE** the Memorandum of the Office of the Court Administrator Re: Complaint-Affidavit charging respondent Judge with "Gross Ignorance of the Law" when he reversed *motu proprio* the final and executive order of a co-equal judge, and

(b) **REDOCKET** the said case

The Court further Resolved, upon the recommendation of the Office of the Court Administrator, to **PREVENTIVELY SUSPEND** respondent judge, pending resolution of the instant case. (A.M. OCA IPI No. 07-2607-RTJ, July 31, 2007)

Judges: Gross Misconduct and Gross Ignorance of the Law

The Court Resolved to **NOTE** the Memorandum of the Office of the Court Administrator Re: complaint against respondent Judge with "Gross Misconduct" and Gross Ignorance of the Law".

The Court further Resolved, upon the recommendation of the Office of the Court Administrator, to **PREVENTIVELY SUSPEND** respondent judge without pay, pending resolution of the above administrative cases. **(A.M. No. 07-2618-RTJ, A.M. No. 07-2619-RTJ, July 31, 2007)**

Judges: Gross Ignorance of the Law; Manifest Partiality and Conduct Prejudicial to the Best Interest of the Service

The Court Resolved to

(a) **NOTE** the Memorandum of the Office of the Court Administrator Re: charging respondent judge with Gross "Ignorance of the Law." "Manifest Partiality and "Conduct Prejudicial to the Best Interest of the Service; Respondent judge was granted (3) extensions of time or a total of ninety (90) days to file his comment but has not complied with "Gross Ignorance of the Law." "Manifest Partiality" and "Conduct Prejudicial to the Best Interest of the Service; and

(b) **REDOCKET** the administrative cases

The Court further Resolved, upon recommendation of the Office of the Court Administrator, to **PREVENTIVELY SUSPEND** respondent judge without pay, pending the resolution of the above administrative cases. **(A.M. No. 07-2588-RTJ, OCA IPI No. 07-2608-RTJ, Misc. No. 2517, July 31, 2007)**

Judges: Undue delay in rendering decisions and orders

The Court Resolved, upon the recommendation of the Office of the Court Administrator to,

(a) **ADJUDGE** respondent administratively liable for undue delay in rendering decisions and orders;

(b) **FINE** herein respondent in the amount of Twenty Thousand Pesos (P20,000.00)

(c) **DIRECT** herein respondent to **DECIDE WITH DISPATCH** the cases covered by this administrative matter;

(d) **FURNISH** the Office of the Court Administrator with copies of the decision within ten (10) days from their rendition; and

(e) **NOTE** the letter of the respondent in compliance with the resolution furnishing the Court with copy of the decision. **(A.M. No. 06-2010-RTJ, July 3, 2007)**

Judges: Grave Misconduct

The Court **NOTES** the Memorandum of the Office of the Court Administrator (OCA) on the complaint against respondent for grave misconduct for alleged tampering of records to show that he did not grant complainants' motion for inhibition and manifest bias against them relative to their motion for inhibition of respondent in the criminal cases against them, finding that:

"We have weighed the contending allegations and reached the conclusion that respondent did not inhibit himself during the hearing and, consequently there was no occasion of tampering of court records. We considered that the minutes of the proceedings, in which the signature of complainants' counsel appears, shows the following notations: "*Motion for inhibition of x x x is submitted.*" This supports respondent's counter allegation in his comment that the motion for inhibition was not resolved but was merely submitted for resolution. We were initially reluctant to accept the notation as it is because we noted that respondent directed the other counsels to comment on the motion only on or about a week after it was supposedly submitted for resolution. Our doubt was cleared by respondent's explanation read together with other factors."

Upon recommendation of the OCA, the Court resolved to **DISMISS** this administrative complaint for lack of factual basis. **(A.M. OCA IPI No. 05-2363-RTJ, July 2, 2007)**

Judges: Violation of Section 15, Article 7 of the 1987 Constitution and Rules 3.08 and 3.09, Canon 3 of the Code of Judicial Conduct

As a general principle, rules prescribing the time within which certain acts must be done, or certain proceedings taken, are considered absolutely indispensable to the prevention of needless delays and to the orderly and speedy discharge of judicial business. By their very nature, these rules are regarded as mandatory.

The office of the judge exacts nothing less than faithful observance of the Constitution and the law in the discharge of official duties. Section 15 (1), Article VIII of the Constitution, mandates that cases or matters filed with the lower courts must be decided or resolved within three months from the date they are submitted for decision or resolution. Moreover, Rule 3.05, Canon 3 of the Code of Judicial Conduct, directs judges to "dispose the court's business promptly and decide cases within the required period." Judges must closely adhere to the Code of Judicial Conduct in order to preserve the integrity, competence and independence of the judiciary and make the administration of justice more efficient. Time and again, we have stressed the need to strictly observe this duty so as not to negate our efforts to minimize, if not totally eradicate, the twin problems of congestion and delay that have long plagued our courts.

Prompt disposition of cases is attained basically through the efficiency and dedication to duty of judges. If they do not possess those traits, delay in the disposition of cases is inevitable, to the prejudice of litigants. Accordingly, judges should be imbued with a high sense of duty and responsibility in the discharge of their obligation to promptly administer justice.

The administrative responsibility for the prompt and speedy disposition of cases rests on the judge's shoulders. The Code of Judicial Conduct requires judges to organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity. The same Code charges him with the duty of diligently discharging administrative responsibilities, maintaining professional competence in court management, and facilitating the performance of the administrative function of other judges and court personnel.

Herein respondent was found guilty of undue delay in resolving the Demurrer to Evidence and was hereby ordered to pay a **FINE** of TWENTY THOUSAND (20,000.00) PESOS. She was warned that a repetition of the same or similar acts shall be dealt with more severely. Let a copy of this decision be attached to her personnel records. The Court Administrator is directed to furnish all concerned copies of this Resolution. **(A.M. No. MTJ-06-1653, July 30, 2007)**

Stenographer: Insubordination

Respondent was found GUILTY of insubordination in assuming the position and discharging the functions of OIC/Branch Clerk of Court without and in defiance of proper authority and is accordingly SUSPENDED from the service for a period of sixty (60) days, without pay, commencing on the day immediately following her receipt of the copy of this Decision, with a warning that a repetition of the same or similar acts shall be dealt with more severely. The period of suspension shall not be chargeable against her leave credits. Respondent was likewise ordered to immediately cease and desist from discharging the functions of OIC/Branch Clerk of Court and from representing herself as such.

Respondent was likewise REPRIMANDED for conduct prejudicial to the best interest of the service and ordered to abstain from transacting with party litigants other than for official purposes. **(A.M. No. RTJ-06-1974, July 26, 2007)**

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