



Supreme Court of the Philippines Philippine Judicial Academy



PHILJA Fax/Electronic Alerts

Issue 10-08
August 2010

Judges: Undue delay in rendering decision

The Supreme Court in A. M. No. MTJ-04-1546, July 29, 2005, *Dumaua vs. Ramirez*, stressed that failure to decide a case or resolve a motion within the reglementary period constitutes gross inefficiency and warrants the imposition of administrative sanctions against the erring magistrate.

The respondent judge failed to act on complainant's case promptly. The case was still on pre-trial as of February 7, 2008, or almost five (5) years since it was filed on March 6, 2003. For undue delay in rendering decision, respondent judge was fined P15,000.00 **(A.M. No. RTJ-09-2211, August 9, 2010)**

Judges: Undue delay in deciding a case

Section 10 of the Revised Rules on Summary Procedure which applies to an ejectment complaint among others, directs that within 30 days after the receipt of the last affidavit and position papers or the expiration of the period for filing the same, the trial court should render judgment on the case.

Respondent judge decided the ejectment case filed by herein complainant almost four years after the receipt of the last affidavit and position paper filed by the latter. For undue delay in deciding a case, respondent judge was fined P15,000.00. **(A.M. No. MTJ-09-1743, August 3, 2010)**

Court Attorney; Gross discourtesy

In *Quilo vs Jundarino*, A.M. No. P-09-2644, July 30, 2009, the Court reminded officials and employees of the Judiciary that their conduct or behavior is circumscribed with a heavy burden of responsibility which at all times, should be characterized by, among other things, strict propriety and decorum. As such, they should not use abusive, offensive, scandalous, menacing and improper language. Their every act or word should be marked by prudence, restraint, courtesy and dignity.

Respondent's utterance of vulgar words was found uncalled for and totally abhorring given that the words were uttered in the presence of complainants daughter and in public.

Respondent was found guilty of gross discourtesy amounting to conduct unbecoming of a court employee. He also failed to live up to his oath of office as a member of the BAR and violated Rule 7.03 of the Code of Professional Responsibility.

For gross discourtesy, respondent court attorney was suspended for 3 months without pay and sternly warned. More, his case was referred to the Office of the Bar Confidant for appropriate action. **(A.M. No. 2008-19-SC, Jyl 27, 2010)**

EN BANC

A.M. No. 10-4-13-SC

RESOLUTION

WHEREAS, A.M. No. 99-12-08-SC (Revised), which took effect on 1 May 2003, provides for the referral of administrative matters and cases to the Divisions of the Court, the Chief Justice, and the Chairpersons of the Divisions for appropriate action or resolution, thereby relieving the Court *En Banc* from the additional burden that such matters or cases impose, and allowing more time for judicial matters;

WHEREAS, there is a need to reassess this measure and determine a reconfiguration of approving thresholds and authorities in order to achieve timely decisions making a quicker response to administrative concerns, as well as to reduce the workload of the Court *En Banc*, Court Divisions, the Chief Justice and the Division Chairpersons, and enable them to focus on more significant judicial matters, thereby achieving overall operational efficiency and effectiveness;

WHEREAS, for purposes of this Resolution, “:Heads of Decentralized Units” refer to the Court Administrator, the Presiding Justice of the Court of Appeal (CA), the Presiding Justice of the Sandiganbayan (SB), the Presiding Justice of the Court of Tax Appeals (CTA), the Chairperson of the Executive Committee of the Judicial and Bar Council (JBC), the Chancellor of the Philippine Judicial Academy (PHILJA), and the Chairperson of the Governing Board of the Mandatory Continuing Legal Education (MCLE); “Judicial Personnel” refer to the incumbent Justices and judges of the courts; and “Non-judicial personnel” refer to officials and employees who are performing adjudication support functions (otherwise called judicial support personnel), as well as administrative and financial management functions, including clerks of courts, sheriffs, legal personnel, process servers, accountants, administrative officers, and all other personnel in the Judiciary who are not Justice or judges.

NOW, THEREFORE, the Court hereby **RESOLVES**

- I. To **DECENTRALIZE** the following administrative functions and authorities, in the manner specified below:
 - 1) Extension of time to decide judicial cases and other matters related thereto shall be referred for appropriate action and resolution to the (a) COURT ADMINISTRATOR, as regards lower courts; and (b) HEADS OF APPELLATE COURTS, as regards their respective courts.
 - 2) Reassignment of judicial cases left undecided by promoted, retired, resigned, dismissed or deceased Justices and judges shall be referred for appropriate action and resolution to the
 - (a) COURT EN BANC for the Supreme Court Justices;
 - (b) COURT ADMINISTRATOR for judges; and
 - (c) HEADS OF APPELLATE COURTS for their respective courts.
 - 3) Constitution of committees and designation of officers and members shall be referred to the
 - (a) CHIEF JUSTICE for committees in the Supreme Court; and
 - (b) HEADS OF DECENTRALIZED UNITS for committees in their respective units
 - 4) Detail of personnel shall be referred for appropriate action and resolution to the
 - (a) CHAIRPERSON OF THE DIVISION OF THE SUPREME COURT, with respect to (i) judges, (ii) non-judicial personnel to be detailed to other branches, agencies or instrumentalities of the government, and (iii) non-judicial personnel to be detailed to another decentralized unit within the judiciary, in consultation with the heads of the units concerned; and
 - (b) HEADS OF DECENTRALIZED UNITS, with respect to non-judicial personnel within their respective units.
 - 5) Acceptance of resignation shall be referred for appropriate action and resolution to the
 - (a) CHIEF JUSTICE, with respect to Justices and Judges, heads of decentralized units, and non-judicial personnel with SG 25 and above; and
 - (b) HEADS OF DECENTRALIZED UNITS, with respect to non-judicial personnel with SG 24 and below in their respective units.
 - 6) Authority to transfer shall be referred for appropriate action and resolution to the
 - (a) CHIEF JUSTICE, with respect to non-judicial personnel with SG 25 and above; and
 - (b) HEADS OF DECENTRALIZED UNITS, with respect to non-judicial personnel with SG 24 and below in their respective units.
 - 7) Approval of the charging of absences, incurred during foreign travels, to earned leave credits, shall be referred for appropriate action and resolution to the
 - (a) CHIEF JUSTICE, with respect to personnel in the Supreme Court; and
 - (b) HEADS OF DECENTRALIZED UNITS, with respect to personnel in their respective units.
 - 8) Grant of authority for domestic travel on official time or official business shall be referred for appropriate action and resolution to the
 - (a) CHIEF JUSTICE, with respect to domestic travel on official business of all personnel, except non-judicial personnel of the appellate courts;
 - (b) COURT ADMINISTRATOR, CHAIRPERSON OF THE EXECUTIVE COMMITTEE OF THE JBC, CHANCELLOR OF PHILJA, and CHAIRPERSON OF THE MCLE, with respect to domestic travel on official time of personnel in their respective units; and

(c) HEADS OF APPELLATE COURTS, with respect to domestic travel on official time or official business of non—judicial personnel in their respective courts.

II. To **PARTIALLY DECENTRALIZE** administrative and financial management functions and authorities, as follows:

- 1) Suspension of work shall be within the purview of the CHIEF JUSTICE , in line with existing rules and procedure; *Provided*, however, that in the absence of an announcement from the national or local government and under certain circumstances, authority shall likewise be granted to the Executive Judges of the courts outside Metro Manila, and to the Presiding Justices of the CA, the SB and the CTA. The following guidelines shall be observed:
 - (a) In case of typhoons declared as Signal No. 1 or Signal No. 2, there shall be no suspension of work;
 - (b) In case of typhoons declared as Signal No. 3, suspension of work shall be subject to the discretion of the Executive Judge, with notice to the Court Administrator, or the Presiding Justice in their respective court;
 - (c) In case of (i) flash floods, with or without a typhoon, (ii) transport strikes and other large-scale public strikes and/or rallies, and (iii) other situations necessitating suspension of work, the suspension shall be subject to the discretion of the Executive Judge, with notice to the Court Administrator, or the Presiding Justices in their respective courts;
Provided, further, that if the work suspension is deemed necessary by the Executive Judge, a report on the circumstances thereof shall be immediately communicated to the Office of the Court Administrator, which shall verify the need for the early dismissal. An abuse of the prerogative to suspend work shall be subject to appropriate disciplinary action.
- 2) Purchase of and payment for supplies, furniture and equipment shall be within the purview of the CHIEF JUSTICE , in line with existing rules and procedure; *Provided*, however, that decentralized units without separated budgets shall have cash advances for emergency purchases not included in their annual procurement plans, subject to liquidation, in accordance with accounting and auditing rules and regulations.

UNIT	CASH ADVANCE	CEILING PER YEAR
OCA	P50,000.00	P 250,000.00
PHILJA	P50,000.00	250,000.00
JBC	P50,000.00	50,000.00
MCLEO	P50,000.00	50,000.00
TOTAL		

- 3) Contracts for utilities and payment therefor shall be within the purview of the **CHIEF JUSTICE** , in line with existing rules and procedure; *Provided*, however, that for courts outside Metro Manila, the payment of electric, telephone and water bills, as well as bills for contract of services, shall devolved to the Executive Judges, who shall pay the bills directly with cash advances provided to them. The utility bills, receipts, and other supporting documents shall subsequently be forwarded to the Manila Central Office.
- 4) Requests for the repair and renovation of court buildings and Halls of Justice, and payment therefor, shall be approved by the
 - (a) CHIEF JUSTICE for **major** repairs and renovations chargeable against the 20% Judiciary Development Fund; or
 - (b) HEADS OF THE DECENTRALIZED UNITS for **minor** repairs chargeable against the regular appropriations of the Court, in an amount not to exceed P50,000.00. To facilitate disbursement and assure ready availability of cash, expenditures for minor repairs may be charged against a cash advance in the amount of P50,000, which the respective finance/special disbursing officers of each unit may be authorized to hold for the purpose. The cash advance shall be subject to replenishment, but in no case to exceed P250,000 a year.

III. To maintain the **STATUS QUO**, or, in other words, follow existing rules and procedure for the following administrative and financial management functions and authorities.:

- 1) Adjudication of administrative complaints;
- 2) Appointment of personnel;
- 3) Approval of foreign travels on official time or official business;
- 4) Disposal of old records and unserviceable vehicles, equipment, computers, and the like;
- 5) Approval of grants and loans, and acceptance of donations of property;

- 6) Purchase of vehicles; and
- 7) Award of contracts for the supply of professional and general services, and payment therefor.

The provisions of previous circulars, resolutions, or orders inconsistent herewith are deemed repealed or modified accordingly.

This Resolutions shall take effect this 10th day of August 2010.

(Signed)

RENATO C CORONA
Chief Justice

(Signed)

ANTONIO T. CARPIO
Associate Justice

(Signed)

CONCHITA CARPIO MORALES
Associate Justice

(Signed)

PRESBITERO J. VELASCO, Jr.
Associate Justice

(Signed)

ANTONIO EDUARDO B. NACHURA
Associate Justice

(Signed)

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

(Signed)

ARTURO D. BRION
Associate Justice

(Signed)

DIOSDADO M. PERALTA
Associate Justice

(Signed)

LUCAS P. BERSAMIN
Associate Justice

(Signed)

MARIANO C. DEL CASTILLO
Associate Justice

(Signed)

ROBERTO A. ABAD
Associate Justice

(Signed)

MARTIN S. VILLARAMA, Jr.
Associate Justice

(Signed)

JOSE PORTUGAL PEREZ
Associate Justice

(Signed)

JOSE CATRAL MENDOZA
Associate Justice

Philippine Judicial Academy

Chancellor

Adolfo S. Azcuna

Founding Chancellor Emeritus

Ameurfina 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: www.supremecourt.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.