



Supreme Court of the Philippines Philippine Judicial Academy



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Legal Researcher: Dishonesty and grave misconduct

The act of taking monetary exhibits without authority from their custodian constitutes theft. Thievery no matter how petty, has no place in the judiciary. This unlawful act of taking cannot be justified by an alleged intention to safeguard the money from damage that might be caused by the flood.

Respondent's act of stealing the monetary exhibit in the amount of P45,000.00 constitutes grave misconduct and dishonesty for which she was dismissed from the service with forfeiture of all benefits and with prejudice to reemployment in the government including GOCC. **(A.M. No. P-11-3024. July 17, 2012)**

Sheriff: Simple neglect of duty

Section 14, Rule 39 of the Rules of Court provides:

Sec. 14. Return of writ of execution. – The writ of execution shall be returnable to the court issuing it immediately after the judgment has been satisfied in part or in full. **If the judgment cannot be satisfied in full within thirty (30) days after his receipt of the writ, the officer shall report to the court and state the reason therefor.** Such writ shall continue in effect during the period within which the judgment may be enforced by motion. **The officer shall make a report to the court every thirty (30) days on the proceedings taken thereon until the judgment is satisfied in full, or its effectivity expires. The returns or periodic reports shall set forth the whole of the proceedings taken, and shall be filed with the court and copies thereof promptly furnished the parties.** (Emphasis supplied)

Respondent violated said Section 14 of Rule 39 for his failure to submit periodic reports on the progress of his implementation of the writ of execution assigned to him. Such reports could have properly apprised complainants of the reasons behind the seeming delay in the execution of the writ and prevented them from speculating too much.

For simple neglect of duty, respondent was suspended for 15 days and sternly warned. **(A.M. No. P-12-3067, July 4, 2012)**

Sheriff: Simple neglect of duty

Difficulties or obstacles in the satisfaction of a final judgment and execution of a writ do not excuse a sheriff for his inaction. Unless restrained by a court order, he should see to it that the execution of judgment is not unduly delayed. He must comply with his mandated ministerial duty as speedily as possible. As an agent of the law, high standard is expected of him.

Respondent's long delay in the execution of the final judgment rendered in favor of complainant and his failure to submit the required periodic reports pursuant to Section 14 of Rule 39

of the Rules of Court constitute simple neglect of duty, defined as the failure of an employee to give one's attention to a task expected of him, and signifies a disregard of a duty resulting from carelessness or indifference.

For simple neglect of duty, respondent sheriff was suspended for one (1) month and one day and sternly warned. **(A.M. No. P-12-3029, August 15, 2012)**

Legal Researcher and Court Stenographer: Simple neglect of duty

In *Pilipina v. Roxas, A.M. No.P-08-2423, March 6, 2008*, the Court held:

The Court cannot countenance neglect of duty for even simple neglect of duty lessens the people's confidence in the judiciary and ultimately in the administration of justice. By the very nature of their duties and responsibilities, public servants must faithfully adhere to, hold sacred and render inviolate the constitutional principle that a public office is a public trust; that all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency.

Respondent legal researcher did not follow established procedure when she allowed one of the parties to sign the minutes of the hearing without waiting for the arrival of complainant judge. She should have known that the Minutes of the Hearing is a very important document which gives a brief summary of the events that took place at the hearing of a case. It is in fact a capsulized history of the case for it states the date and time of session, the name of the judge, clerk of court, court stenographer and court interpreter who were present; the names of the counsels of the parties and the date of the next hearing.

With regards to respondent court stenographer she was found liable for simple neglect of duty for her failure to follow established procedure when she made it appear that a hearing was conducted by complainant judge on July 16, 2012 when in fact no hearing was actually conducted on said date.

Both respondents lacked attention or focus on their assigned tasks.

For simple neglect of duty, respondents were reprimanded and sternly warned. **(A.M. No. P-12-3033, August 15, 2012)**

Philippine Judicial Academy

Chancellor

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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: www.supremecourt.gov.ph.

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