



Supreme Court of the Philippines  
Philippine Judicial Academy



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Judges: gross ignorance of the law; gross inefficiency

In the present case, record discloses that respondent judge issued the *status quo ante* order without conducting a summary hearing, as required under SC Adm. Circular No. 20-95. Worse, the same Order does not contain any expiry date. Unlike a temporary restraining order which has a life of only twenty (20) days, the Order in question has an indefinite period of duration. Indeed, there was a lapse of judgment on the part of the respondent judge. Be that as it may, there was no showing of malice on the part of respondent judge in issuing said *status quo ante* order. In the absence of malice, fraud, dishonesty or corruption, the acts of a judge in his judicial capacity are not subject to disciplinary action even if erroneous. The filing of an administrative complaint is not the proper remedy for the correction of actions of a judge perceived to have gone beyond the norms of propriety, where a sufficient judicial remedy exists.

On the charge of gross inefficiency for failing to act on cases within the reglementary period, respondent judge was found liable thereof. A fine of Php5,000 pesos was imposed on her. (A.M. No. RTJ-01-1647, October 13, 2005)

Judges: gross ignorance of the law

Rule 1.01, Canon 1 of the Code of Judicial Conduct requires judges to be the embodiment of competence, integrity, and independence. Judges sit as the embodiment of the people's sense of justice, their last recourse where all other institutions have failed, so much so that a judge's ignorance cannot be allowed to erode the people's belief in the justice system.

Here, respondent judge allowed the prosecution to appeal a judgment of acquittal. For gross ignorance of the law, respondent was ordered to pay a fine of Php20,000, with a stern warning that a repetition of the same or similar violation will be dealt with more severely. (A.M. No. RTJ-03-1794, October 25, 2005)

Judges: ignorance of the rules on preliminary investigations

Canon 1, Rule 1.01, and Canon 3, Rule 3.01 of the Code of Judicial Conduct require a judge to be faithful to the law and be the embodiment of professional competence. Here, respondent judge issued a warrant of arrest against complainant upon her mere non-appearance during the first date scheduled for the preliminary investigation of the case. The Court said that respondent should have resolved the complaint based on the evidence presented by the complainant and he cannot coerce complainant into attending the preliminary investigation. "An accused can waive his right to be present thereat, and cannot be compelled to attend the same. Certainly, a warrant of arrest may not be issued simply to secure his presence."

For his ignorance of the rules on preliminary investigations, respondent judge was fined Php2,000 with warning that a repetition thereof or of similar offenses shall be dealt with more severely. (A.M. No. MTJ-05-1599, October 14, 2005)

Judges: undue delay in rendering decision

Respondent judge compulsorily retired from the government service without deciding forty-five (45) cases wherein the mandatory period for decision had already elapsed. "The discovery of his failure to decide cases within the reglementary period after his retirement, notwithstanding, since it is informed by the OCA that he 'has not yet processed his clearance for this retirement papers,' he must be faulted. To hold otherwise would put premium to gross inefficiency of a judge and negligence or possible collusion with those in charge of processing applications for retirement of judges in skipping on the submission of the required list of pending decisions, among others."

Respondent judge was fined in the amount of Php20,000 to be deducted from his retirement benefits. (A.M. No. MTJ-05-1586, October 20, 2005)

Judges: inhibition; issuance of warrant of arrest

Rule 137 of the Rules of Court mandatorily disqualifies a judge or judicial officer to sit in any case in which: (a) he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise; (b) he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of civil law; (c) he has been executor, administrator, guardian, trustee or counsel; or (d) he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record. There is no dispute that the accused is the estranged wife of respondent judge. This circumstance makes

it mandatory for respondent to inhibit himself from the case, but this he unfortunately did not do. The issuance of a warrant of arrest is not ministerial in nature, but rather requires the exercise of judicial discretion on the part of the issuing magistrate. Only when he finds probable cause should he issue a warrant of arrest or a commitment order. Respondent judge issued the warrant of arrest a mere day after the filing of the information. Such undue alacrity casts doubt on the motive of respondent, especially since the accused were known to him to be the same people who instigated the present administrative case against him, and against whom he filed a civil suit for damages. Respondent's swift issuance of the arrest warrant suspiciously smells of vengeance and vindication. That he inhibited himself after the accused moved for his inhibition cannot extenuate his culpability. At the outset, he should have inhibited himself from the case if only to avoid any doubt or suspicion of bias and partiality against the accused.

For abuse of authority in issuing the warrant of arrest, respondent was fined Php20,000 to be deducted from his disability benefits. **(A.M. No. RTJ-05-1960, October 25, 2005)**

#### **Judges: undue delay in rendering decisions**

Section 15(1), Article VIII of the 1987 Constitution requires trial judges to dispose of all cases or matters within three months. Rule 3.05 of Canon 3 of the Code of Judicial Conduct admonishes all judges to dispose of the court's business promptly and decide cases within the required period. Here, respondent judge explained that he started to suffer illness during the last year of his service in the judiciary. Thus, he failed to check those undecided cases before he retired from the service. The Court, however, held that respondent judge's illness was not an excuse for his failure to render Decisions or Resolutions within the prescribed period considering that he could have sought extensions of time to do so.

Respondent judge was found guilty of undue delay in rendering a Decisions and Orders. He was fined Php15,000 to be deducted from his retirement benefits. **(A.M. No. 98-12-394-RTC, October 20, 2005)**

#### **Judges: violation of the Rules of Court and the Code of Judicial Conduct**

A judge should at all times remain in full control of the proceedings in his branch and should adopt a firm policy against improvident postponements. Lengthy postponements of court hearings create delay in the administration of justice, thus undermining the people's faith in the judiciary from whom the prompt hearing of their supplications is anticipated and expected, and reinforcing in the mind of the litigants the impression that the wheels of justice grind ever so slowly.

For failure to observe Rule 119 of the Revised Rules of Criminal Procedure and for tolerating the continued absences of the counsels during the hearings of criminal cases resulting to undue delay in the administration of justice in violation of Rule 1.02 and Rule 3.05 of the Code of Judicial Conduct, respondent was fined in the amount of Php10,000.00 with a warning that a similar offense will be dealt with more severely. **(A.M. No. MTJ-05-1603, October 25, 2005)**

#### **Judges: violation of the Code of Judicial Conduct; violation of Supreme Court rules and circulars**

Rule 2.04 of the Code of Judicial Conduct stipulates that a judge shall refrain from influencing in any manner the outcome of litigation or dispute pending before another court or administrative agency. In this case, respondent judge obviously tried to influence the outcome of his administrative case. If even the slightest form of interference cannot be countenanced, what more in the case of a judge who interferes with his own administrative case. Also, respondent judge's failure to accomplish the Request for Permission to Teach form prescribed in Circular No. 50-97, dated July 18, 1997 is inexcusable. It is clear violation of the judiciary rules and regulations, indicating respondent judge's disregard of the authority of the Supreme Court. For no matter how insignificant or inconsequential the circular may seem to respondent judge, he should have complied with it. The Canons of Judicial Ethics requires that "the judge should be studiously careful himself to avoid even the slightest infraction of the law, lest it be a demoralizing example to others."

Respondent was suspended from office without salary and other benefits for a period of two (2) months, and a fine of Ten Thousand Pesos (10,000.00) was imposed. **(A.M. No. RTJ-02-1713, October 25, 2005)**

#### **Judges: gross ignorance of the law**

The Court finds that respondent erred in rendering the summary judgment, however, respondent could not be held administratively liable. To justify the taking of drastic disciplinary action, the law requires that the error or mistake of the judge must be gross or patent, malicious, deliberate or in bad faith. These are not present in the instant case. The Investigating Judge finds, and the Court agrees, that there is no evidence showing that respondent acted with malice in rendering the summary judgment. This is bolstered by the fact that a judgment by compromise agreement was already rendered by the CA on the civil case and an entry of judgment was subsequently made. Moreover, the Court finds that respondent had meticulously explained why he found no genuine issue as to the fact that plaintiffs are entitled to the recovery of their investments. The instant administrative complaint against respondent Judge is dismissed. **(A.M. No. RTJ-04-1848, October 25, 2005)**

#### **Clerks of Court: Dishonesty; gross misconduct**

Section 4 of Supreme Court Circular No. 50-95 states: "4. All collections from bailbonds, rental deposits, and other fiduciary collections shall be deposited within twenty-four (24) hours by the Clerk of Court concerned, upon receipt thereof, with the Land Bank of the Philippines."

The same Circular also mandates that all deposits of fiduciary funds should be made in the name of the court, with its Clerk of Court and the Executive Judge as authorized signatories. Only one depository bank shall be maintained. As explained by respondent, he maintained five (5) depository accounts for the Fiduciary Fund because he is unaware of Circular No. 50-95. He further stated that the judges never questioned him about his five (5) accounts and that if there was any inquiry regarding the Fiduciary Fund of any Branch, he could easily present it to the Judge.

As Clerk of Court, respondent is duty-bound to use reasonable skill and diligence in the performance of his officially designated duties. He is an accountable officer entrusted with the great responsibility of collecting and depositing money belonging to the funds of the Court. This he failed to fulfill. That he incurred a shortage in the Fiduciary Fund obviously shows that he appropriated the amounts for himself. Those are government funds. He has no right to use them. For incurring a shortage of P48,472.02 in the Fiduciary Fund, respondent committed dishonesty. Moreover, for defying Supreme Court Circular No. 50-95, he is also liable for gross misconduct.

In the instant case, the penalty of dismissal from the service is no longer imposable as respondent had already reached the compulsory age of retirement as early as May 28, 1998. Respondent is fined P40,000.00, the same to be deducted from his retirement benefits, with prejudice to reemployment in any branch or instrumentality in the government, including government-owned and controlled corporations. The OCA is further directed to deduct the amount of P48,472.02, also from his retirement benefits, as reimbursement for the shortage in his collections for the Fiduciary Fund. **(A.M. No. P-05-1966, October 20, 2005)**

#### **Branch Clerks of Court: loss of court exhibits**

Rule 136, Section 7 of the Rules of Court provides: SEC. 7. Safekeeping of property. – The clerk shall safely keep all records, papers, files, exhibits and public property committed to his charge, including the library of the court, and the seals and furniture belonging to his office. In addition, Section D (1.3), paragraph 1.3.2.3, Chapter VII of the 2002 Revised Manual for Clerks of Court, provides that one of the non-adjudicative function of a first level court Branch Clerk of Court is the control and management of all court records, exhibits, documents, properties and supplies.

As court custodian, it is respondent's responsibility to ensure that records are safely kept and the same are readily available upon the request of the parties or order of the court. She must be diligent and vigilant in performing her official duties and in supervising and managing court dockets and records. **This custodial duty necessarily extends to evidence submitted by the parties and marked as exhibits.**

For the loss of the Colt Commander 9 mm. Respondent was suspended for a period of two (2) months without pay effective immediately upon service of herein Resolution with a stern warning that a repetition of the same or similar act in the future will be dealt with more severely. **(A.M. No. P-04-1921, October 20, 2005)**

#### **Sheriffs III: grave abuse of authority**

Respondents failed to observe the proper procedure in the enforcement of execution of judgments for money as laid down in Section 9, Rule 39 of the Revised Rules of Court. They were completely silent on why they first levied upon real property, instead of personal property, and why properties said to be valued at millions of pesos had been levied when the judgment obligation was only more than Php400,000.00.

While the expeditious and efficient execution of court orders and writs is commendable, it should not, under any circumstance, be done by departing from the Rules governing the same.

For grave abuse of authority, respondents were fined Php5,000 each, with stern warning that repetition of the same or similar acts shall be dealt with more severely. **(A.M. No. P-04-1904, October 25, 2005)**

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