



Supreme Court of the Philippines  
Philippine Judicial Academy



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**Supreme Court en banc Resolution dated 12 September 2006 Requiring IBP to forward to the Supreme Court complaints for disbarment against CA Justices, Sandiganbayan, CTA and Judges of lower courts**

**B.M. No. 1645**

**Re: AMENDMENT OF RULE 139-B**

The Court Resolved to AMEND the second paragraph of Section I, Rule 139-B of the Rules of Court, clarified by Circular No. 3-89 dated February 6, 1989, as follows:

X X X

“The IBP shall forward to the Supreme Court for appropriate disposition all complaints for disbarment, suspension and discipline filed against incumbent Justices of the Court of Appeals, Sandiganbayan, Court of Tax Appeals and judges of lower courts, whether or not they are charged singly or jointly with other respondents, and whether or not such complaint deals with acts unrelated to the discharge of their official functions. The same procedure shall be observed with respect to complaints filed against retired justices and judges. All similar complaints against lawyers still in the government service, whether filed directly with the IBP or transmitted to the IBP by the Office of the Solicitor General, shall first be referred to the Court for appropriate action.

X X X

The amendment took effect on October 2, 2006 following its publication in a newspaper of general circulation not later than September 15, 2006.”

September 12, 2006

(SGD.) ARTEMIO V. PANGANIBAN  
Chief Justice

(SGD.) REYNATO S. PUNO  
Associate Justice

(SGD.) LEONARDO A. QUISUMBING  
Associate Justice

(SGD.) CONSUELO YNARES-SANTIAGO  
Associate Justice

(SGD.) ANGELINA SANDOVAL-GUTIERREZ  
Associate Justice

(SGD.) ANTONIO T. CARPIO  
Associate Justice

(SGD.) MA. ALICIA AUSTRIA-MARTINEZ  
Associate Justice

(SGD.) RENATO C. CORONA  
Associate Justice

(SGD.) CONCHITA CARPIO-MORALES  
Associate Justice

(SGD.) ROMEO J. CALLEJO, SR.  
Associate Justice

(SGD.) ADOLFO S. AZCUNA  
Associate Justice

(SGD.) DANTE O. TINGA  
Associate Justice

(SGD.) MINITA V. CHICO-NAZARIO  
Associate Justice

(SGD.) CANCIO C. GARCIA  
Associate Justice

(SGD.) PRESBITERO J. VELASCO, JR.  
Associate Justice

**Supreme Court en banc dated August 15, 2006 Re: 2004 Rules on Notarial Practice**

**EN BANC  
A.M. No. 02-8-13-SC**

**Re: 2004 RULES ON NOTARIAL PRACTICE**

For your information, is a resolution of this Court dated August 15, 2006.

A.M. No. 02-8-13-SC (Re: 2004 Rules on Notarial Practice), The Court Resolved to:

“ x x x

- (f) AUTHORIZE the Clerks of Court of the Regional Trial Courts to notarize not only documents relating to the exercise of their official functions but also private documents, subject to the following conditions: (i) all notarial fees charged in accordance with Section 7(o) of the Rule 141 of the Rules of Court, and, with respect to private documents, in accordance with the notarial fee that the Supreme Court may prescribe in compliance with Section 1, Rule V of the Rules on Notarial Practice, shall be for the account of the Judiciary and (ii) they certify in the notarized documents that there are no notaries public within the territorial jurisdiction of the Regional Trial Court;

x x x.”

**(SGD.) MA LUISA D. VILLARAMA**  
*Clerk of Court*

**Judges: Serious misconduct; Acts constituting direct bribery; Issuing a warrant of arrest while under suspension;**

There is substantial evidence showing that respondent Judge is guilty of serious misconduct for committing acts constituting direct bribery in soliciting and receiving money in consideration of the dismissal of the case filed against the respondent. Verily, in administrative proceedings, as in the instant case, it is not legally objectionable to resolve a case based solely on position papers, affidavits or documentary evidence submitted by the parties considering that affidavits of witnesses may take the place of their direct testimony.

Respondent Judge tainted the image of the judiciary to which he owes fealty and the obligation to keep it all times unsullied and worthy of the people's trust. The Court has time and again admonished judges to conduct themselves in a manner that is free even from the appearance of impropriety. For judicial officers to enjoy the trust and respect of the people, it is necessary that they live up to the exacting standards of conduct demanded by the profession and by the Code of Judicial Conduct. This is especially true in the case of judges who, on a daily basis, interact with the public. Their official conduct, as well as personal behavior should always be beyond reproach.

Respondent judge was found guilty of serious misconduct and was **DISMISSED** from service with **FORFEITURE** of all benefits, except accrued leave credits, with prejudice to his reemployment in any branch or service of the government including government-owned or controlled corporations. He was further ordered to pay a fine of P2,000.00 to be deducted from his leave credits, for issuing a warrant of arrest while under suspension. **(A.M. No. MTJ-03-1503, November 16, 2006)**

**Judges: Extortion, Grave misconduct, gross ignorance of the law, grave abuse of authority;**

In administrative proceedings, the complainant has the burden of proving, by substantial evidence, the allegations in the complaint. Here, complainant miserably failed to substantiate his charges of extortion and grave misconduct against respondent. As regards respondent's alleged grave abuse of authority and gross ignorance of the law in disposing of complainant's motions in the civil case, the same involves matters of judicial adjudication that are not the proper subject of an administrative complaint. The filing of an administrative complaint against a judge is neither the appropriate nor substitute remedy to question the propriety or impropriety of his decision. There are ample remedies under the Rules of Court provided for the purpose. It is axiomatic that, where some other judicial means is available, an administrative complaint is not the appropriate remedy for every act of a judge deemed aberrant or irregular.

Administrative complaint against respondent judge was **DISMISSED** for lack of merit. **(A.M. OCA IPI No. RTJ-06-1989, November 29, 2006)**

**Judges: Charges failed to measure up to the yardstick of substantial evidence;**

Herein complainant is the legal researcher who was charged of gross insubordination for being absent without official leave (AWOL). Believing that he can still improve his performance, respondent judge allowed him to continue to perform his duties. But the drafts submitted by herein complainant were written in different

handwritings, giving the impression that they were prepared by more than one person, thus as a precaution, herein respondent instructed to write them in his own handwriting and set deadlines within which to submit the drafts.

In an *en banc* resolution dated February 11, 2005 the Court promulgated a decision suspending the herein complainant for a period of 6 months for having obtained an unsatisfactory rating during his probationary period. Complainant failed to establish the guilt of the herein respondent.

As recommended in the said memorandum, the Court Resolved to **DISMISS** the administrative case against respondent judge for insufficiency of evidence and to **CONSIDER** the administrative case as **CLOSED** and **TERMINATED** for having become moot and academic, he having been dropped from the roll. **(A.M. OCA IPI No. 05-2306-RTJ, October 16, 2006)**

**Judges: Undue delay in the execution of final court judgment; manifest bias and partiality;**

The Court **NOTED** the Report dated September 6, 2006 of the Office of the Court Administrator on the complaint charging respondents with undue delay in the execution of final court judgment and manifest bias and partiality relative to Civil Case No. D-9922, finding that respondent judge cannot be faulted for complying with the rules of procedure and for affording both parties ample opportunity to be heard and that respondent's legal researcher cannot be held liable for alleged delay in the issuance of the writ of execution as, at the outset, she was not authorized to issue court processes.

As recommended in the said report, the Court Resolved to **DISMISS** the complaint against respondent for lack of merit. **(A.M. OCA IPI No. 04-2094-RTJ, October 23, 2006)**

**Judges: Grave abuse of authority and grave misconduct;**

The Court **NOTED** the Report dated August 24, 2006 of the Office of the Court Administrator on the complaint charging respondents with grave abuse of authority and grave misconduct relative to the implementation of the alias writ of execution, finding that complainant failed to substantiate his charges against respondents and that complainant was unsuccessful in establishing not only the attendance of the elements of the aforesaid administrative offences but also the very factual bases which said charges are anchored.

As recommended in the said report, the Court **DISMISSED** the instant administrative complaint against the respondents for lack of merit. **(A. M. OCA IPI No. 06-2408-P, October 11, 2006)**

**Judges: Simple misconduct**

Ordinarily, a judge's efforts to bring litigants to settle is considered a laudable act. The actuations of the respondent judge, however, of failing to hold a hearing on complainants' urgent motions and persistently pushing for a settlement severely compromised the impartiality of his office. Judges are not only required to be impartial, they must appear to be impartial.

Respondent judge is also required by Canon 3 of the old Code of Judicial Conduct to maintain professional competence. In this regard, it is the responsibility of the judge in every case before him to diligently ascertain the facts and the applicable law based on the evidence presented.

The Court finds respondent Judge **GUILTY** of simple misconduct. He was **FINED** P20,000.00. The Court **STERNLY WARNED** him that a repetition of a similar infraction will merit a more severe sanction. **(A.M. No. RTJ-04-1858, June 6, 2006)**

***Chancellor, Philippine Judicial Academy***

Ameurfina A. Melencio Herrera

***Head, Research and Linkages Office***

Prof. Sedfrey M. Candelaria

***Editors***

Dean Eulogia M. Cueva

Atty. Orlando B. Cariño

***Editorial Assistant***

Atty. Amelia T. Guillamun

***Staff***

Nennette G. Zaldivar

Rodrigo G. Javier

The *PHILJA Fax/Electronic Alerts* is issued monthly by the Research and Linkages Office of the Philippine Judicial Academy with offices at the 3<sup>rd</sup> Floor of the Supreme Court Centennial Building, Taft Avenue, Manila. Tel. No. (02)552-9518; Telefax; (02)552-9526 E-mail address: [research\\_philja@yahoo.com](mailto:research_philja@yahoo.com). For e-library: [www.supremecourt.gov.ph](http://www.supremecourt.gov.ph) link to e-library.

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